The mission of the Freehold Township Schools, in partnership with our community, is to prepare all students to be responsible citizens and lifelong learners.

The Freehold Township Board of Education meets, as a whole, on the second and fourth Tuesday of each month. There are three committees of the board that meet before the first board meeting of the month to review issues specific to each committee’s charge and a report is presented at the next board meeting. Each committee spends many hours reviewing recommendations and agenda items. Items are placed on this agenda as a recommendation for full board approval by each committee.

I. Call to Order

II. Opening Statement

“A notice listing the time, date and place of this meeting was posted on the public bulletin board of all Freehold Township Schools, on the entrance door to the Administrative Offices of the Board of Education, on the district website, at the Office of the Freehold Township Clerk, published in the Asbury Park Press on January 12, 2017, and in the News Transcript on January 18, 2017.”

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Minutes

Regular Meeting Minutes and Executive Session Minutes of March 28, 2017

VI. Communications

VII. President’s Remarks

VIII. Administrative Report

Eisenhower Academic Team Quiz Bowl Champions
Eisenhower Asbury Park Press Student Voices Essay Contest Winners
Eisenhower and Barkalow Freehold Orthodontics Essay Contest Winners
Barkalow Barnes & Noble My Favorite Teacher Essay Contest Winner

Budget Report
Bullying Investigation Report
The following bus fire drills were performed as listed:
4-3-17: DDE, CTB
4-4-17: CRA, MWE, WF
4-5-17: JJC, LDS
4-7-17: ECLC

IX. Public Participation

X. Board Reports and Actions

A. Personnel/Policies/Communications Committee — Michelle Lambert, Chairperson
Committee Members: Jason Levy, Kay Holtz
Administrative Liaison: Neal Dickstein

COMMITTEE REPORT
BULLYING INVESTIGATION REPORT
1. The Superintendent recommends approval to accept the bullying investigation reports received from March 24, 2017 through April 21, 2017.

ADJUSTED RETIREMENT DATE
2. The Superintendent recommends approval to adjust the retirement date of the following staff member for the 2016-2017 school year:

   NAME: Larry Moran  
   POSITION: Teacher – Eisenhower Middle School  
   POSITION CONTROL #: 1103-024-IS-005  
   FROM: September 1, 2017  
   TO: June 30, 2017

RESIGNATION
3. The Superintendent recommends approval to accept the resignation of the following staff members for the 2016-2017 school year:

   NAME: Colleen Miller  
   POSITION: Registered Nurse  
   POSITION CONTROL #: 9400-000-SPEDSUP-06  
   ACCOUNT #: 11-000-213-100-10  
   EFFECTIVE: April 28, 2017  

   NAME: Carolyn Powers  
   POSITION: Part Time Registered Nurse  
   POSITION CONTROL #: 9400-000-SPEDSUP-09  
   ACCOUNT #: 11-000-213-100-10  
   EFFECTIVE: June 30, 2017  

   NAME: Gerlinde Kahrs  
   POSITION: Van Attendant  
   POSITION CONTROL #: 9400-000-PROSER-59  
   ACCOUNT #: 11-000-270-107-10  
   EFFECTIVE: May 12, 2017

NEW EMPLOYMENT
4. The Superintendent recommends approval to issue a contract to the following staff members for the 2016-2017 school year. All employments are recommended pending State Department of Education approval of emergent employment for a period not to exceed 3 months pending completion of the criminal history background check as per NJSA 18A:6-7 et seq; 39-17 et seq; 6-4.13 et seq.

   NAME: Hector Pacheco Oropeza  
   POSITION: Part Time Custodian (.4) – Applegate Elem. School  
   SALARY: $15,767.60  
   GUIDE: Custodian  
   STEP: 1  
   $600.00 Black Seal  
   $16,367.60 Total Salary  
   ACCOUNT #: 11-000-262-100-10  
   EFFECTIVE: April 26, 2017 through June 30, 2017  

   NAME: Tamala Baum  
   POSITION: Registered Nurse  
   SALARY: $219/per day  
   ACCOUNT #: 11-000-213-100-10  
   EFFECTIVE: April 26, 2017 through June 30, 2017
5. The Superintendent recommends ratifying approval to issue a contract to the following staff member for the 2016-2017 school year. All employments are recommended pending State Department of Education approval of emergent employment for a period not to exceed 3 months pending completion of the criminal history background check as per NJSA 18A:6-7 et seq; 39-17 et seq; 6-4.13 et seq.

   NAME: Beth Keklak  
   POSITION: Part Time Registered Nurse  
   SALARY: $205/per day  
   ACCOUNT #: 11-000-213-100-10  
   EFFECTIVE: March 31, 2017 through June 30, 2017

CHANGE OF ASSIGNMENT/SALARY ADJUSTMENT

6. The Superintendent recommends approval of the following change of assignment/salary adjustments for the 2016-2017 school year:

   NAME: Jason Hammond  
   FROM: Custodian – West Freehold Elem. School  
   TO: Lead Custodian – Applegate Elem. School  
   SALARY: $56,919.00  
   ACCOUNT #: 11-000-262-100-10  
   EFFECTIVE: April 26, 2017 through June 30, 2017

   NAME: Michael Manning  
   FROM: Part Time (.4) Custodian – Applegate Elem. School  
   TO: Full Time Custodian – Applegate Elem. School  
   SALARY: $40,319.00 GUIDE: Custodian STEP: 2  
   600.00 Black Seal  
   $40,919.00 TOTAL  
   ACCOUNT #: 11-000-262-100-10  
   EFFECTIVE: April 26, 2017 through June 30, 2017

SALARY ADJUSTMENT

7. The Superintendent recommends ratifying the following salary adjustment for the 2016-2017 school year:

   NAME: Lisa Wurth  
   POSITION: Bus Driver  
   POSITION CONTROL #: 9400-000-PROSER-46  
   FROM: $29,964.31  
   TO: $36,062.06  
   ACCOUNT #: 11-000-270-161-10  
   EFFECTIVE: April 19, 2017 through June 30, 2017

TRANSFER OF ASSIGNMENT

8. The Superintendent recommends ratifying the following transfer of assignment for the 2016-2017 school year:

   NAME: Cathy Borchert  
   FROM: Teacher Assistant – Early Childhood Learning Center  
   TO: Teacher Assistant – Applegate Elem. School  
   EFFECTIVE: April 3, 2017 through June 30, 2017
9. The Superintendent recommends approval for the following leaves of absence for the 2016-2017 school year:

NAME: Anne Kuras  
POSITION: Supervisor– West Freehold Elementary School  
POSITION CONTROL #: 0303-030-SADMIN-01  
ACCOUNT #: 11-000-221-102-10  
UNPD NJ/FED FMLA: May 18, 2017 through June 30, 2017

NAME: Julianna Giglio  
POSITION: Teacher – Errickson Elementary School  
POSITION CONTROL #: 1001-025-IS-32  
ACCOUNT #: 11-213-100-101-10  
UNPD NJ/FED FMLA: April 24, 2017 through June 23, 2017  
UNPD LEAVE: June 24, 2017 through June 30, 2017

NAME: Sarah D’Angelo  
POSITION: Teacher – Catena Elementary School  
POSITION CONTROL #: 1001-020-IS-029  
ACCOUNT #: 11-213-100-101-10  
UNPD NJ/FED FMLA: June 5, 2017 through June 23, 2017  
UNPD LEAVE: June 24, 2017 through June 30, 2017

10. The Superintendent recommends approval to adjust the leave of absence for the 2016-2017 school year:

NAME: Gary Cummings  
POSITION: Bus Driver– Transportation  
POSITION CONTROL #: 9400-000-PROSER-45  
ACCOUNT #: 11-000-270-160-10  
FROM UNPD LEAVE: March 27, 2017 through April 28, 2017  
TO UNPD LEAVE: March 27, 2017 through April 17, 2017

11. The Superintendent recommends approval for the following teacher assistant to receive a stipend for the 2016-2017 school year:

Cathy Borchert ($210.00)

12. The Superintendent recommends ratifying the following staff member to serve as track official for the 2017 Spring Track season at the rate of $60 per track meet:

Larry Wiltbank

13. The Superintendent recommends ratifying the following staff members as a district mentor for the 2016-2017 school year:

Patricia Somma  
Katie Zaborni
RATIFY AFTER SCHOOL MONITOR
14. The Superintendent recommends ratifying the following staff members to serve as a
district monitor at the district’s monitoring rate for the 2016-2017 school year:

  Donna Buhl
  Colleen Pyott

RATIFYING – CLASS COVERAGE
15. The Superintendent recommends ratifying the following staff member to provide
coverage for classes during the regular school day during their prep at the contracted
curriculum rate, as needed.

  Colleen McCormick

5 STAR STUDENT MENTOR
16. The Superintendent recommends ratifying the following staff member to serve as a 5
Star Mentor at Eisenhower Middle school for a total of 200 hours at the district’s
curriculum rate for the 2016-2017 school year:

  Deborah Hoehman

PTO HONORARIA
17. The Superintendent recommends ratifying the following PTO honoraria for the 2016-
2017 school year:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ACTIVITY</th>
<th>SCHOOL</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jennifer Howard</td>
<td>School Musical</td>
<td>CRA</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Leanne Mercadante</td>
<td>School Musical</td>
<td>CRA</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

CERTIFIED SUBSTITUTES
18. The Superintendent recommends approval of the following persons to substitute for
the eight schools in the district for the 2016-2017 school year at the established
rates for certificated positions. All employments are recommended pending State
Department of Education approval of emergent employment for a period not to
exceed 3 months pending completion of the criminal history background check as per
NJSA 18A:6-7.1 et seq.; 39-17 et seq.; 6-4.13 et seq.

  Leigh Creighton
  Steve Bauer
  Amanda Brunt
  Joseph Hackett
  Brittany Burd
  Frances Capone

SUPPORT STAFF SUBSTITUTES
19. The Superintendent recommends approval of the following persons to substitute for
the eight schools in the district for the 2016-2017 school year at the established
rates for non-certificated positions. All employments are recommended pending State
Department of Education approval of emergent employment for a period not to
exceed 3 months pending completion of the criminal history background check as per
NJSA 18A:6-7.1 et seq.; 39-17 et seq.; 6-4.13 et seq.

<table>
<thead>
<tr>
<th>Teacher Assistant</th>
<th>Office Assistant</th>
<th>Lunchroom Assistant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leigh Creighton</td>
<td>Leigh Creighton</td>
<td>Leigh Creighton</td>
</tr>
<tr>
<td>Lisa Bischoff</td>
<td>Lisa Bischoff</td>
<td>Lisa Bischoff</td>
</tr>
<tr>
<td>Brittany Burd</td>
<td>Brittany Burd</td>
<td>Brittany Burd</td>
</tr>
<tr>
<td>Margaret Alison Reiff</td>
<td>Margaret Alison Reiff</td>
<td>Margaret Alison Reiff</td>
</tr>
<tr>
<td>Frances Capone</td>
<td>Frances Capone</td>
<td>Frances Capone</td>
</tr>
<tr>
<td>Fatima Naqvi</td>
<td>Fatima Naqvi</td>
<td>Fatima Naqvi</td>
</tr>
</tbody>
</table>
SECOND READING POLICIES AND REGULATIONS

20. The Superintendent recommends approval of the second reading of:

**Policies**
- 1510 Americans with Disabilities Act
- 5116 Education of Homeless Children
- 5600 Student Discipline/Code of Conduct
- 8330 Student Records

**Regulations**
- 1510 Americans with Disabilities Act
- 5116 Education of Homeless Children
- 5600 Student Discipline/Code of Conduct
- 8330 Student Records

MERIT GOALS

21. The Board of Education approves the certification that Dr. Ross Kasun, Superintendent of Schools, has met and achieved the following qualitative goal, and directs Robert DeVita, Board Secretary, to send certification of this achievement to the Executive County Superintendent of Schools. Further, upon approval of the County Superintendent, that Dr. Kasun be paid 2.5% of his annual salary, or $4,125.

Qualitative Goal #2. Enhance efforts to create personalized learning for every student:

To promote and provide leadership to staff that enhances our efforts to create a personalized learning approach for each student. To build upon our efforts of student centered, minds-on technology infused classroom and create classroom where students are leaders of their learning. Evidence of targets toward this goal will be observed in lesson plans, and classroom observations.

The Board of Education approves the certification that Dr. Pamela Nathan, Assistant Superintendent of Schools, has met and achieved the following qualitative goal, and directs Robert DeVita, Board Secretary, to send certification of this achievement to the Executive County Superintendent of Schools. Further, upon approval of the County Superintendent, that Dr. Nathan be paid 2% of her annual salary, or $3017.

Qualitative Goal #2. To develop a process for collecting and analyzing data pertaining to the teaching techniques, strategies, and practices utilized by staff.

Action(s) that were taken to complete the goal in the 2016-2017 school year included:

- A review of the current data collected from the Engagement Survey and our district PD goals.
- Utilized a team of professionals including teachers, administrators, and myself (Engagement data committee from DEAC/ScIP).
- The team met early in the school year for a work session day to research and create the walkthrough tool draft.
• The draft was then shared with the entire DEAC/ScIP team and any changes/recommendations applied.

• The tool was added to Genesis Employee Portal where the Superintendent and Assistant Superintendents utilize it to collect data when performing walkthroughs.

B. **Curriculum/Staff Development Committee** – Dan DiBlasio, Chairperson  
**Committee Members:** Chris Marion, Elena O’Sullivan  
**Administrative Liaison:** Pam Haimer

**COMMITTEE REPORT**

**HOME INSTRUCTION**

1. The Superintendent recommends approval to ratify the following students to receive home instruction:

   **Student:** 4351123184  
   **School:** CTBS  
   **Tutors:** Kristen Rusterholz, Jill Emma  
   **Cost:** $50/hour – not to exceed 10 hours per week  
   **Start Date:** 3/15/17  
   **End Date:** TBD

   **Student:** 9682208565  
   **Tutors:** Brigid Logan, Laura Bergen  
   **Rate:** $50.00 per hour – not to exceed 5 hours per week  
   **Start Date:** 04/19/17  
   **End Date:** TBD

   **Student:** 1476238632  
   **School:** CTBS  
   **Grade:** 6th  
   **Tutor:** Delta T. Group  
   **Cost:** $40/hour – 10 hours per week  
   **Start Date:** 3/23/17  
   **End Date:** TBD

**SPEECH SERVICES**

2. The Superintendent recommends approval for the following agency to provide Speech services in our District as follows:

   **Agency:** School Answers  
   **School:** MWES and DDES  
   **Cost:** $75/hour  
   **Start Date:** 5/5/17  
   **End Date:** 6/23/17

C. **Finance/Facilities/Transportation Committee** – Edward Hudak, Chairperson  
**Committee Member:** Michael Amoroso, Jennifer Patten  
**Administrative Liaison:** Robert DeVita

**COMMITTEE REPORT**
CERTIFICATION
1. Pursuant to N.J.A.C. 6A:23A-16.10(c)(3), the Board Secretary certifies that as of March 31, 2017, NO budgetary line item account has obligations and payments (contractual orders) which in the total exceed the amount appropriated by the Board of Education pursuant to N.J.A.C. 6A:22A-16.10(a), N.J.S.A. 18A:22-8 and 18A:22-8.1.

SECRETARY/TREASURER REPORTS

Pursuant to N.J.A.C. 6A:23A-16.10(c)(4), we certify that as of March 31, 2017, the Board Secretary's monthly financial report (appropriations section) did not reflect an over expenditure in any of the major accounts or funds, and based on the appropriation balances reflected on this report and the advice of the district officials, we have no reason to doubt that the district has sufficient funds to meet its financial obligations for the remainder of the fiscal year.

BILLS & CLAIMS
3. The Superintendent recommends approval of the following list of bills dated April 25, 2017, which have been reviewed and approved by a Board member:

<table>
<thead>
<tr>
<th>Current Expense (General)</th>
<th>Machine Print Checks</th>
<th>Hand Checks</th>
<th>Total Bills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Expense 1,451,736.02</td>
<td>55,278.51</td>
<td>1,507,014.53</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay 7,405.45</td>
<td></td>
<td>7,405.45</td>
<td></td>
</tr>
<tr>
<td>Education Job Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Revenue 8,883.89</td>
<td></td>
<td>8,883.89</td>
<td></td>
</tr>
<tr>
<td>Capital Project</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Debt Service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Bills 1,468,025.36</td>
<td>55,278.51</td>
<td>1,523,303.87</td>
<td></td>
</tr>
</tbody>
</table>

TRANSFERS
4. The Superintendent recommends approval of the following transfers for the 2016-2017 school year:

<table>
<thead>
<tr>
<th>Amount</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>$25,500</td>
<td>11-000-270-517-50 Contracted Non-Public Transp.</td>
<td>11-000-270-518-50 Transportation Contracted Special Ed.</td>
</tr>
<tr>
<td>$140,000</td>
<td>11-000-270-161-10 Salary, Bus Drivers Spec. Ed.</td>
<td></td>
</tr>
<tr>
<td>$ 14,500</td>
<td>11-000-270-517-10 Contracted Non-Public Transp.</td>
<td>11-000-270-517-10 Contracted Special Ed.</td>
</tr>
<tr>
<td>$ 32,839</td>
<td>11-000-270-615-50 Transp. Mechanical Suppl./Fuel</td>
<td></td>
</tr>
<tr>
<td>$ 17,355</td>
<td>11-000-270-107-10 Salary, Bus Aides</td>
<td></td>
</tr>
</tbody>
</table>
$ 9,000 11-000-270-107-11
   Subs, Bus Aides

$133,984 11-000-270-160-10
   Salary, Bus Drivers

$ 27,000 11-000-270-160-11
   Subs, Bus Drivers

Amount  From
$35,732.05 11-216-100-101-10
   Preschool Disabled Teacher Salaries

$40,162.38 11-216-100-106-10
   Preschool Disabled TA Salaries

$25,000.00 11-204-100-106-10
   Learning Disabled TA Salaries

$25,038.57 11-120-100-101-10
   Grade 1-5 Teacher Subs

Amount  To
$ 4,312.00 11-212-100-106-11
   Mult. Disab. Other Instr., Non Base

$ 3,475.00 11-212-100-101-11
   Mult. Disab. Tch. Non Base

$ 2,366.00 11-209-100-106-11
   Bd., TA Subs

$ 1,392.00 11-214-100-106-11
   Autism Aide Sub Pay

$ 340.00 11-105-100-101-11
   Presch. Inst. Non Base Pay

$ 32.00 11-000-218-105-11
   Sub Salary, Sec’y.

$75,895.00 11-215-100-106-10
   ½ Day Presch. Aide Salaries

$38,121.00 11-105-100-101-10
   Presch. Instr. Salaries

APPROVAL OF TRAVEL AND RELATED EXPENSES

5. The Superintendent recommends approval of the following travel and related expense reimbursements in accordance with N.J.A.C. 6A: 23B as follows:

<table>
<thead>
<tr>
<th>NAME</th>
<th>TITLE</th>
<th>EVENT</th>
<th>DATES</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huguenin, Jeffery</td>
<td>Principal</td>
<td>STEM Integration Using LEGO</td>
<td>6/28/17 – 6/30/17</td>
<td>$1,251.75</td>
</tr>
<tr>
<td>Cecilione, Laura</td>
<td>Supervisor</td>
<td>STEM Integration Using LEGO</td>
<td>6/28/17 – 6/30/17</td>
<td>$1,251.75</td>
</tr>
<tr>
<td>Carson, Jennifer</td>
<td>Teacher</td>
<td>STEM Integration Using LEGO</td>
<td>6/28/17 – 6/30/17</td>
<td>$1,251.75</td>
</tr>
</tbody>
</table>
Tuition Contract

6. The Superintendent recommends approval to ratify the tuition contract between the Burlington County Special Services School District, Burlington County, and the Freehold Township Board of Education for student #5128030635 for the 2016-2017 School year. The tuition for this program is $46,854, commencing on January 3, 2017 and terminating on June 20, 2017.

Resolution

7. The Superintendent recommends approval of the following resolution authorizing the submission of other capital project document to the NJ Department of Education:

RESOLVED that the Freehold Township Board of Education approve the following project:

HVAC Renovations at Marshall W. Errickson School
(FVHD #4974 / DOE # 1660-025-17-1000)

BE IT FURTHER RESOLVED that the District’s architects, Fraytak Veisz Hopkins Duthie, P.C. be authorized to submit the above project to the NJ Department of Education for approval on the District’s behalf.

BE IT FURTHER RESOLVED that the above project be approved as an Other Capital Project as defined in N.J.A.C. 6A:26. The District will not seek State funding for the above project.

BE IT FURTHER RESOLVED that amendments to the Long-Range Facilities Plan by Fraytak Veisz Hopkins Duthie, P.C. to incorporate the above project be approved.
DONATION
8. The Superintendent recommends approval of a donation in the amount of $2,000 from the Applegate School PTO to be used for the School Musical honoraria.

PACE GRANT
9. The Superintendent recommends approval to amend the PACE grant acceptance from the December 13, 2016 agenda to include a third staff member:

<table>
<thead>
<tr>
<th>Number</th>
<th>Grant Name</th>
<th>Teacher(s)/TA’s</th>
<th>School</th>
<th>Total Amount Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-01</td>
<td>Model Me Kids Social Skills Group</td>
<td>Mary Weiss, Sarah Strazella, Judy Fonte (TA)</td>
<td>CRAS</td>
<td>$1,935.75</td>
</tr>
</tbody>
</table>

OUT-OF-DISTRICT CONTRACT
10. The Superintendent recommends approval of the following Out-of-District contract:

Student: 9526023068
School: The Education Academy
Cost: $15,720.65
Program: 10 Month
Start Date: 4/10/2017
End Date: 6/22/2017

BREKKFAST AND LUNCH PRICES
11. The Superintendent recommends approval of the following breakfast/lunch prices for the 2017-2018 school year:

Breakfast
ECLC and Laura Donovan only $1.80

Lunch
Elementary Schools $2.75
Middle Schools $2.80
High School $3.20
Adult Lunch $4.00

SCHOOL NURSING SERVICES
12. The Superintendent recommends approval of the contract for in school nursing services with Bayada Home Health Care, Inc. for the 2017-2108 school year.

INSURANCE RATES FOR 0217-2018
13. The Superintendent recommends approval of the following insurance rates for the 2017-2018 school year:

<table>
<thead>
<tr>
<th>Plan Description</th>
<th>Monthly Rate</th>
<th>Annual Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horizon Direct Access 10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>$812.93</td>
<td>$9,755.16</td>
</tr>
<tr>
<td>Husband/Wife</td>
<td>$1,784.74</td>
<td>$21,416.88</td>
</tr>
<tr>
<td>Family</td>
<td>$2,411.82</td>
<td>$28,941.84</td>
</tr>
<tr>
<td>Parent/Child(ren)</td>
<td>$1,607.93</td>
<td>$19,295.16</td>
</tr>
<tr>
<td>Plan Description</td>
<td>Monthly Rate</td>
<td>Annual Rate</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Horizon Direct Access 15 (FTEA DA)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>$770.97</td>
<td>$9,251.64</td>
</tr>
<tr>
<td>Husband/Wife</td>
<td>$1,682.65</td>
<td>$20,191.80</td>
</tr>
<tr>
<td>Family</td>
<td>$2,287.30</td>
<td>$27,447.60</td>
</tr>
<tr>
<td>Parent/Child(ren)</td>
<td>$1,524.91</td>
<td>$18,298.92</td>
</tr>
<tr>
<td>Horizon Direct Access 15 (old plan)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>$788.55</td>
<td>$9,462.60</td>
</tr>
<tr>
<td>Husband/Wife</td>
<td>$1,731.19</td>
<td>$20,774.28</td>
</tr>
<tr>
<td>Family</td>
<td>$2,339.47</td>
<td>$28,073.64</td>
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<tr>
<td>Parent/Child(ren)</td>
<td>$1,559.69</td>
<td>$18,716.28</td>
</tr>
<tr>
<td>Horizon Direct Access 20/40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>$701.82</td>
<td>$8,421.84</td>
</tr>
<tr>
<td>Husband/Wife</td>
<td>$1,540.76</td>
<td>$18,489.12</td>
</tr>
<tr>
<td>Family</td>
<td>$2,082.14</td>
<td>$24,985.68</td>
</tr>
<tr>
<td>Parent/Child(ren)</td>
<td>$1,388.13</td>
<td>$16,657.56</td>
</tr>
<tr>
<td>Horizon EPO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>$565.08</td>
<td>$6,780.96</td>
</tr>
<tr>
<td>Husband/Wife</td>
<td>$1,240.58</td>
<td>$14,886.96</td>
</tr>
<tr>
<td>Family</td>
<td>$1,676.50</td>
<td>$20,118.00</td>
</tr>
<tr>
<td>Parent/Child(ren)</td>
<td>$1,117.69</td>
<td>$13,412.28</td>
</tr>
<tr>
<td>Horizon OMNIA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>$522.81</td>
<td>$6,273.72</td>
</tr>
<tr>
<td>Husband/Wife</td>
<td>$1,147.77</td>
<td>$13,773.24</td>
</tr>
<tr>
<td>Family</td>
<td>$1,551.05</td>
<td>$18,612.60</td>
</tr>
<tr>
<td>Parent/Child(ren)</td>
<td>$1,034.06</td>
<td>$12,408.72</td>
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<tr>
<td>Horizon RX (FTEA RX)</td>
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<td></td>
</tr>
<tr>
<td>Single</td>
<td>$137.38</td>
<td>$1,648.56</td>
</tr>
<tr>
<td>Husband/Wife</td>
<td>$251.51</td>
<td>$3,018.12</td>
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<tr>
<td>Family</td>
<td>$339.87</td>
<td>$4,078.44</td>
</tr>
<tr>
<td>Parent/Child(ren)</td>
<td>$203.57</td>
<td>$2,442.84</td>
</tr>
<tr>
<td>Horizon RX (old plan)</td>
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</tr>
<tr>
<td>Single</td>
<td>$237.67</td>
<td>$2,852.04</td>
</tr>
<tr>
<td>Husband/Wife</td>
<td>$435.14</td>
<td>$5,221.68</td>
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<tr>
<td>Family</td>
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<td>$7,056.24</td>
</tr>
<tr>
<td>Parent/Child(ren)</td>
<td>$352.20</td>
<td>$4,226.40</td>
</tr>
<tr>
<td>Delta Dental (Shared Services)</td>
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</tr>
<tr>
<td>One Party</td>
<td>$48.68</td>
<td>$584.16</td>
</tr>
<tr>
<td>Two Party</td>
<td>$97.76</td>
<td>$1,173.12</td>
</tr>
<tr>
<td>Three or more Party</td>
<td>$164.58</td>
<td>$1,974.96</td>
</tr>
</tbody>
</table>
14. The Superintendent recommends the following resolution and moves its adoption:

WHEREAS, the Freehold Township Board of Education adopted a tentative budget on March 14, 2017, and submitted it to the Executive County Superintendent of Schools for approval, and

WHEREAS, the tentative budget was approved by the Executive County Superintendent of Schools on April 19, 2017, and

WHEREAS, the tentative budget was advertised in the legal section of the Asbury Park Press on April 21, 2017, and

WHEREAS, the tentative budget was presented to the public during a hearing held in the Board of Education Administrative Offices, 384 West Main Street, Freehold, N.J. on Tuesday, April 25, 2017.

NOW THEREFORE BE IT RESOLVED that the budget be adopted for the 2017-2018 school year using the 2017-2018 state aid figures and the Secretary to the Board of Education be authorized to submit the following adopted budget to the Executive County Superintendent of Schools in accordance with the statutory deadline:

<table>
<thead>
<tr>
<th></th>
<th>GENERAL FUND</th>
<th>SPECIAL REVENUES</th>
<th>DEBT SERVICE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2017-18 Total Expenditures</strong></td>
<td>$74,336,023.00</td>
<td>$983,074.00</td>
<td>$3,385,300.00</td>
<td>$78,704,397.00</td>
</tr>
<tr>
<td>Less: Anticipated Revenues</td>
<td>$ 9,000,249.00</td>
<td>$983,074.00</td>
<td>$ 38,103.00</td>
<td>$10,021,426.00</td>
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<tr>
<td>Taxes to be Raised</td>
<td>$65,335,774.00</td>
<td>$0.00</td>
<td>$3,347,197.00</td>
<td>$68,682,971.00</td>
</tr>
</tbody>
</table>

### Travel and Related Expense Reimbursement

WHEREAS, the Freehold Township Board of Education recognizes school staff and Board members will incur travel expenses related to and within the scope of their current responsibilities and for travel that promotes the delivery of instruction or furthers the efficient operation of the school district; and

WHEREAS, N.J.A.C. 6A:23A-7.2 et seq. requires Board members to receive approval of these expenses by a majority of the full voting membership of the Board and staff members to receive prior approval of these expenses by the Superintendent of Schools and a majority of the full voting membership of the Board; and

WHEREAS, the Freehold Township Board of Education established $125,000 as the maximum travel amount for the current school year (2016-2017) and has expended $43,933.06 as of this date; now

THEREFORE, BE IT RESOLVED, the Board of Education approves travel and related expense reimbursements in accordance with N.J.A.C. 6A: 23A-7.3, to a maximum expenditure of $125,000 for all staff and board members for the 2017-2018 school year.

### A4F Tax Levy Certification Form A and B

RESOLVED, that the amount required for school purposes in the school district of Freehold Township, County of Monmouth, for the 2017-2018 school year is $68,682,971 and is required to be levied for local school district purposes.
XI. Old Business

XII. New Business

XIII. President’s Remarks

XIV. Public Participation

XV. Executive Session

WHEREAS, pursuant to N.J.S.A. 10:4-12 (b), the Board of Education may exclude the public from that portion of a public meeting at which the board discusses any of the matters described at N.J.S.A. 10:4-12 (b) (1)-(9);

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of the Open Public Meeting Act ("Act"), the Board of Education shall conduct a closed session pursuant to the Personnel and Legal exception(s) prescribed by N.J.S.A. 10:4-12 for the purpose of discussing the following matter(s):

- [X] Matters rendered confidential by state or federal law
  - Parent Appeal on Student Discipline
- [X] Personnel
  - Payroll W2 Issue
- [ ] Appointment of a public official
- [ ] Matters covered by the attorney-client privilege
- [X] Pending or anticipated litigation
  - Special Ed. Litigation
- [X] Pending or anticipated contract negotiations
  - FTAA Negotiations Update
  - TWU Negotiations update
- [ ] Protection of the safety or property of the public
- [ ] Matters which would constitute an unwarranted invasion of privacy
- [ ] Matters in which the release of information would impair a right to receive funds from the United States Government
- [ ] Matters concerning collective negotiations and/or the negotiations of terms and conditions of employment of employees of the Board of Education
- [ ] Possible imposition of a civil penalty or suspension

It is anticipated that the length of time of this executive session will be 90 minutes, and that action will not be taken in public after the executive session.

BE IT FURTHER RESOLVED that said discussion may be disclosed to the public when reasons for discussing and acting upon it in closed session no longer exist.

XVI. Adjournment

On motion of _________ and seconded by _______, the meeting adjourned at _______ p.m.
POLICY GUIDE

[See POLICY ALERT Nos. 136, 151, 167 and 210]

1510 AMERICANS WITH DISABILITIES ACT

It is the policy of the Board of Education that no qualified individual with a disability will, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program, activity, or services sponsored by this Board. The Board will comply with the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Amendments Act of 2008 (hereafter referred to as the Act).

Notice of Board Policy 1530 – Equal Educational Opportunities and Board Policy 5750 – Equal Educational Opportunity will be included in the Board policy manual, posted throughout the district, and referenced in any district statement regarding the availability of employment positions or educational services.

Employment

No employee or candidate for employment will be discriminated against in recruitment, hiring, advancement, discharge, compensation, job training, transfer, or any other term, condition, or privilege of employment solely on the basis of a disability, provided the employee or candidate can, with or without reasonable accommodation, perform the essential functions of the position sought or held.

No candidate for employment will be required to answer a question or submit to an examination regarding a disability except as such disability relates directly to perform job-related functions. No candidate will be discriminated against on the basis of a disability that is not directly related to the essential function of the position for which he/she has applied.

Reasonable accommodations, not directly affecting the educational and/or instructional program, will be made to accommodate employment conditions to the needs of qualified individuals with disabilities, such accommodations may include, but are not limited to: making existing facilities used by employees readily assessable to and usable by individuals with disabilities, job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications.
of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.

Facilities Maintenance and Accessibility

No qualified individual with a disability will, because of the school district’s facilities being inaccessible or unusable by disabled persons, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity offered by the Board. No new facilities will be constructed that do not fully comply with the Act. Alterations to existing facilities or part thereof, will be altered in such a manner to the maximum extent feasible, that the facilities are readily accessible and usable by individuals with disabilities who have a need to access Board facilities.

The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by persons with disabilities.

Service, Program, and Activity Access

The district will make reasonable accommodations so that services, programs, and activities are readily accessible and usable by qualified individuals with disabilities. The district is not required to provide personal devices or services of a personal nature to qualified individuals with disabilities.

Evaluation and Compliance

The Superintendent or designee will evaluate district programs and practices on nondiscrimination, in accordance with law, and will report to the Board accordingly. Assurances of compliance will be submitted as required by law.

The district, with the assistance of interested persons, who may include individuals with disabilities or members of organizations representing individuals with disabilities, or other interested community members and staff, will evaluate its current services, policies, practices, and the effects thereof with regard to the requirements of the Act and make necessary modifications to meet the Act requirements. If such modifications would result in a fundamental alteration of
the nature of the affected program or activity, or undue financial or administration burden, the district will provide access through means which would not result in a fundamental alteration or undue financial or administrative burden. 28 CFR §35.150(a)

For a period of at least three years following completion of the self-evaluation, the district will maintain on file, available for public inspection, a list of those interested persons consulted, a description of the areas examined and problems identified, and modifications made.

Enforcement - 28 CFR §35.107

The Board will designate the Assistant Superintendent as district coordinator for matters dealing with ADA compliance. The district coordinator can be contacted at the following address or telephone number:

Office Address: 384 West Main Street
                Freehold, NJ 07728

Telephone Number: 732-462-8400 x8808

Grievance procedures are outlined in Regulation 1510.

Guarantee of Rights

The Board will not interfere, directly or indirectly, with any person's exercise or enjoyment of the rights protected by the Act.

The Board will not discriminate against any person for that person's opposition to any act or practice made unlawful by law or this Policy or for that person's participation in any manner in an investigation or proceeding arising under the Act.

The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.
Notice

Policy and Regulation 1510 will be available to any member of the public in the district’s Policy and Regulation Manual.

42 U.S.C. 12101 (Americans with Disabilities Act of 1990, as amended)
N.J.S.A. 10:5-1 et seq.
N.J.A.C. 6A:14-1 et seq.
34 CFR Part 104

(Second Reading March 14, 2017)

(Alert 210 revised)

Adopted:
[See POLICY ALERT Nos. 136, 138, 151, 167 and 210]

R 1510 AMERICANS WITH DISABILITIES ACT

The Board of Education will comply with the requirements of the Americans with Disabilities Act of 1990, including changes made by the ADA Amendments Act of 2008 (hereafter referred to as the “Act.”)

A. Definitions


2. “Auxiliary aids and services” are identified based on the context of the communication and the individual’s disability. 28 CFR §35.104

They include, but are not limited to:

a. Effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

b. Effective methods of making visually delivered materials available to individuals who are blind or have low vision;

c. Acquisition or modification of equipment or devices or similar services and actions; and

d. Other similar services and actions.

3. “Board” means the Board of Education of this school district.

4. “Companion” means a family member, friend, or associate of an individual seeking access to a service, program, or activity of a school district, who, along with such individual, is an appropriate person with whom the district should communicate.
5. "Complete complaint" means a written statement, signed by the complainant or someone authorized to do so on his/her behalf, containing the complainant's name and address and describing the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation. 28 CFR §35.104

6. "Current illegal use of drugs" means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

7. "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 CFR §35.139

8. "Disability" means, with respect to an individual, that the individual meets one or more of the following three prongs:

   a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

   b. A record of such an impairment; or

   c. Being regarded as having such an impairment.

9. "District" means this school district.

10. "District Coordinator" means the district official responsible for the coordination of activities relating to compliance with the Act.

11. "Drug" means a controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act. 21 U.S.C. §812

12. "Employee" means an individual employed by the Board.

13. "Essential functions of the employment position" are based upon the employer's judgment and can include an employer's written description, prepared before advertising or interviewing applicants for the job.
14. "Existing facility" means a facility in existence on any given date, newly constructed or altered.

15. "Facility" means all or any portion of buildings, property, or structures, including the site where the building, property, structure, or equipment is located.

16. "Illegal use of drugs" means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. 21 U.S.C. §812

17. "Individual with a disability" means a person who has a disability and does not include an individual currently engaging in the illegal use of drugs, when the district acts on the basis of such use.

18. "Major life activities" means those of central importance to daily life and include, but are not limited to, functions such as: caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sitting, reaching, writing, standing, reaching, lifting, sleeping, bending, speaking, breathing, reading, concentrating, thinking, communicating, interacting with others, learning, and working. "Major life activities" also includes physical or mental impairments that substantially limit the operation of a major bodily function, including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive systems, and the operation of an individual organ within a body system. 28 CFR §35.108; 28 CFR §36.105

19. "Mitigating measures" means steps taken to eliminate or reduce the symptoms or impact of an impairment. "Mitigating measures" include, but are not limited to: medication; medical equipment/appliances; mobility devices; low vision devices (not including ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids, cochlear implants, or
other implantable hearing devices; oxygen therapy equipment and supplies; the use of assistive technology; reasonable modifications or auxiliary aids or services; learned behavioral or adaptive neurological modifications; and psychotherapy, behavioral, or physical therapies. 42 U.S.C. 126 §12102

a. Mitigating measures, must not be used when determining whether an impairment is a disability except for the use of corrective eyeglasses or contact lenses. Mitigating measures may be considered in assessing whether someone is entitled to reasonable accommodation or poses a direct threat.


21. “Other power-driven mobility device” means any mobility device powered by batteries, fuel, or other engines used by individuals with mobility disabilities for the purpose of locomotion, including any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. 28 CFR §35.104

22. “Physical or mental impairment” means any physiological disorder or condition such as, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 CFR §35.108(b)(2) and 28 CFR§36.105(b)4

a. Physical or mental impairments may include, but are not limited to: contagious and noncontagious diseases and conditions; orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other
specific learning disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Human Immunodeficiency Virus (HIV) (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

b. Physical or mental impairments do not include: transvestism; transsexualism; homosexuality or bisexuality; gender identity disorders; sexual behavior disorders; pedophilia; exhibitionism; environmental, cultural, and economic disadvantages; pregnancy; physical characteristics; personality traits or behaviors; normal deviations in height, weight, or strength; compulsive gambling; kleptomania; pyromania; and psychoactive substance use disorders resulting from current illegal use of drugs.

c. An impairment that is episodic or in remission may be considered a “disability” if it would substantially limit a major life activity when active.

d. Not all impairments are disabilities.

23. “Public entity” means this Board of Education.

24. “Qualified individual” for the purposes of employment, means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position (based upon the employer’s judgment) that such individual holds or desires. An employer’s written description, prepared before advertising or interviewing applicants for the job, shall be considered evidence of the essential functions of the job. 42 U.S.C. 126 §12111(8)

25. “Reasonable accommodation” may include making existing facilities used by employees readily assessable to and usable by individuals with disabilities and job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate
adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

26. "Record of such an impairment" means the individual has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

27. "Regarded as having an impairment" means the individual establishes that he or she has been subjected to a prohibited action under the Act because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits or is perceived to substantially limit a major life activity.

   a. For this prong only, the public entity must demonstrate the impairment is or would be both transitory (lasting or expected to last six months or less) and minor to show an individual is not regarded as having such an impairment. 42 U.S.C. 126 §12102(3)(B)

   b. A public entity is not required to provide a reasonable modification to an individual meeting the definition of "disability" solely under the "regarded as" prong.

28. "Substantially limits" means the extent to which the impairment limits an individual's ability to perform a major life activity as compared to most people in the general population, whether or not an individual chooses to forgo mitigating measures. 42 U.S.C. 126 §12102(4); 28 CFR §35.108(d); 28 CFR §35.105(d) The rules of construction when determining whether an impairment substantially limits performance of a major life activity include:

   a. That it is broadly construed in favor of expansive coverage, to the maximum extent permitted under the Act.

   b. That it does not demand extensive analysis.
That it substantially limits one major life activity, but not necessarily other major life activities.

That it may be episodic or in remission, as long as the impairment would substantially limit a major life activity when active.

That it need not prevent, or significantly or severely restrict, an individual from performing a major life activity.

That it requires an individualized assessment which does not create an “inappropriately high level of limitation” and is based upon the conditions, manner, or duration under which the individual can perform the major life activity 42 U.S.C. 12102(4)(B).

That it generally will not require scientific, medical, or statistical evidence (although such evidence can be required where appropriate evidence that can be considered may include statements or affidavits of affected individuals and school records).

That the determination is made without regard to ameliorative effects of mitigating measures, except for the use of ordinary eyeglasses or contact lenses intended to fully correct visual acuity or eliminate refractive error. Non-ameliorative effects, such as the negative side effects of medication or a medical procedure, may also be considered.

That the effects of an impairment lasting or expected to last less than six months can be substantially limiting for establishing a disability under the first two prongs: “actual disability” or “record of”.

“Undue hardship” means an action requiring significant difficulty or expense when considered in light of factors which include: the nature and cost of the needed accommodation; the overall financial resources of the district or facility providing the reasonable
accommodation; the size of the district with respect to the number of employees; effect on expenses and resources, or the impact otherwise of accommodation upon the operation of the facilities; and the type/location of facilities. 42 U.S.C. 126 §12111 (10)

30. “Wheelchair” means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability.

B. General Requirements

1. Prohibitions Against Discrimination

   a. Discrimination is prohibited against a qualified individual on the basis of a disability. Such individual will not be excluded from participation in or denied the benefits of district services, programs, or activities or be subjected to discrimination by the district in accordance with 28 CFR §35.130. The district must ensure that:

   (1) When services, programs, and activities are viewed in their entirety, they are accessible to and usable by individuals with disabilities; and

   (2) Access to services, programs, and activities is provided in an integrated setting unless separate programs are necessary to ensure equal benefits.

   b. The district is not required to take any action that would result in a fundamental alteration of the nature of the program or activity or undue financial or administrative burden. However, claiming undue burden still requires the district to provide access through means that would not result in a fundamental alteration or undue financial or administrative burden.
2. Direct Threat - 28 CFR §35.139
   a. The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.
   b. To determine whether an individual poses a direct threat to the health or safety of others, the district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:

      (1) The nature, duration, and severity of the risk;
      (2) The probability that the potential injury will actually occur; and
      (3) Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

3. Illegal Use of Drugs - 28 CFR §35.131
   a. The district will not discriminate on the basis of past illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who:

      (1) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;
      (2) Is participating in a supervised rehabilitation program; or
      (3) Is erroneously regarded as engaging in such use.
   b. While the Act does not prohibit discrimination against an individual based on that individual's current illegal use of
drugs, the district will not deny health services or services provided in connection with drug rehabilitation to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

c. The Act does not prohibit the district from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

C. Personal Devices and Services

1. The district will permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. 28 CFR §35.137

2. The district will make reasonable modifications to permit the use of other power-driven mobility devices by individuals with mobility disabilities unless the district can demonstrate that the power-driven device cannot be operated in accordance with legitimate safety requirements pursuant to 28 CFR §35.137. The district will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. The district may require the individual to provide credible assurance that the device is required because of the person's disability.

3. The district is not required to provide individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing pursuant to 28 CFR §35.135.
D. Employment - 42 U.S.C. 126 §12112

1. Discrimination in Employment

   a. The Board will not discriminate against a qualified individual on the basis of disability in regard to job application procedures; hiring, advancement, or discharge; compensation; job training; and other terms, conditions, and privileges of employment.

   b. Applicants and employees working for or applying to work for the district who qualify for a job and are able to perform the essential functions of that job are entitled to reasonable accommodations provided that such accommodations do not pose undue hardship for the district.

   c. Nothing in the Act shall be construed to preempt, modify, or amend any State, county, or local law, ordinance, or regulation as outlined in N.J.A.C. 6A:32-4.1 et seq.

   d. The school district may not, on the basis of disability:

      (1) Limit, segregate, or classify a qualified individual in a way that adversely affects his/her opportunities or status of such employee, applicant, or participant in a contractual or other arrangement;

      (2) Utilize standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability or perpetuate the discrimination of others subject to common administrative control;

      (3) Exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to associate or have a relationship;
(4) Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual with a disability or deny employment opportunities to such qualified individual unless the district can demonstrate that the accommodation would impose undue hardship to district operations;

(5) Use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out individuals with disabilities unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity; and/or

(6) Select and administer tests concerning employment to otherwise qualified individuals who possess impaired sensory, manual, or speaking skills, unless done in an effective manner to ensure that, when such tests are administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the skills, aptitude, or other factors such tests purport to measure rather than reflecting the impaired sensory, manual, or speaking skills of the employee or applicant (except where such skills are the factors that the test purports to measure).

2. Medical Examinations and Inquiries - (42 U.S.C. 126 §12112)

a. Pre-employment

(1) Prohibited examination or inquiries:

(a) Whether such an applicant is an individual with a disability; or

(b) The nature or severity of such disability.
(2) Acceptable inquiry:

(a) The ability of an applicant to perform job-related functions.

b. Employment Entrance Examinations

(1) The district may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if:

(a) All entering employees are subject to such an examination regardless of disability;

(b) Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:

i. Supervisors and managers may be informed regarding necessary restrictions on work or duties of the employees and necessary accommodations;

ii. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

iii. Government officials investigating compliance with this Act, will be provided relevant information on request.
(2) The results of such examination shall only be used in accordance with these provisions.

c. Examination and Inquiry:

(1) Prohibited examinations and inquiries:

(a) The district will not require a medical examination and will not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.

(2) Acceptable examinations and inquiries:

(a) The district may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees in the district.

(b) The district may make inquiries into the ability of an employee to perform job-related functions.

3. Defenses - 42 U.S.C. 126 §12113

a. Qualification Standards

(1) It may be a defense to a charge of discrimination under the Act that an alleged application of qualification standards, tests, or selection criteria that screen out, tend to screen out, or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such
performance cannot be accomplished by reasonable accommodation, as required under the Act.

(a) The term "qualification standards" may include a requirement that an individual will not pose a direct threat to the health or safety of other individuals in the workplace.

(b) Notwithstanding 42 U.S.C. 126 §12102 (4)(E)(ii), the Board will not use qualification standards, employment tests, or other selection criteria based on an individual’s uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.

b. Infectious and Communicable Diseases

(1) In any case in which an individual has an infectious or communicable disease included on the list developed by the United States Secretary of Health and Human Services in accordance with the Act, and which cannot be eliminated by reasonable accommodation, and that is transmitted to others through the handling of food, the Board and its administration may refuse to assign or allow such individual to continue to work in a job involving food handling.

c. Illegal Use of Drugs and Alcohol - 42 U.S.C. 126 §12114

(1) An individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, with exceptions noted in section B.3. of this Regulation.
(2) The Board will hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior as other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee.

d. Drug Testing

(1) For the purposes of the Act, a test to determine the illegal use of drugs will not be considered a medical examination.

(2) No provision of the Act shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

E. Program Accessibility

1. Discrimination Prohibited

a. Except as otherwise provided in 28 CFR §35.150, no qualified individual with a disability will, because the district’s facilities are inaccessible to or unusable by individuals with disabilities, including inside or outside access to such facilities, may be excluded from participation in, or be denied the benefits of the services, programs, or activities of the district, or be subjected to discrimination by the district.

b. The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by individuals with disabilities. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 CFR §35.133
(1) In regard to existing facilities, the district will operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

(a) The district is not required to fundamentally alter the nature of a service, program, or activity, or assume undue financial or administrative burdens, or take any action threatening the historic significance of a historic property and has the burden of proving that compliance with the Act would result in such alterations or burdens. 28 CFR §35.150(a)

(b) Should the Board and Superintendent of Schools or his/her designee determine, after considering all resources available, that compliance would result in such alteration or burden, a written statement of reasons must accompany such a determination.

(c) The Board will take any other action, including, but not limited to redesign or acquisition of equipment, or reassignment of services or staff, that would not result in such alteration or burden, but would, nevertheless, ensure that individuals with disabilities receive the benefits/services provided by the district.

(2) In regard to new construction and alterations, each facility or part of a facility constructed by, on behalf of, or for the use of the district will be designed and constructed in such manner, in accordance with 28 CFR §35.151, that the facility or part of the facility is readily accessible to and usable by individuals with disabilities.
(a) Full compliance with the requirements of 28 CFR §35.151 is not required where the district can demonstrate that it is structurally impracticable to meet the requirements.

(b) If providing accessibility in conformance with 28 CFR §35.151 to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with 28 CFR §35.151.

F. Communications - 28 CFR §35.160

1. The district will take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

2. The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.

   a. Auxiliary aids and services will be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

   b. The district will not require an individual with a disability to bring another individual to interpret with a disability. The district will not rely on an adult accompanying an individual with a disability or on a minor child to interpret
or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interprets or facilitates communication, the accompanying adult agrees to provide such assistance, and reliance on that adult is appropriate under the circumstances.

3. Where the district communicates by telephone with applicants and beneficiaries who are deaf, hard of hearing, or who have speech impairments, text telephones (TTYs) or equally effective telecommunications systems equipped with emergency service access will be used to communicate, in the same time and manner as with other telephone systems (including automated systems). 28 CFR §35.161

4. The district will ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities, including signage at all inaccessible facility entrances. 28 CFR §35.163

G. Grievance Procedure - 28 CFR §35.107(b)

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall first discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.

2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the District Coordinator. The complaint will include:

   a. The complainant’s name and address;

   b. The specific act or practice of which the complainant complains;
c. The employee, if any, responsible for the allegedly discriminatory act;

d. Results of discussions conducted in accordance with paragraph G.1. above; and

e. Reasons why those results are not satisfactory.

3. The District Coordinator will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.

4. The response of the District Coordinator may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant’s reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.

5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require at the hearing the presence of the staff member charged with a discriminatory act and any other person with knowledge of the complained act.

6. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.

7. The complainant may appeal the Superintendent’s decision to the Board by filing a written appeal with the School Business
Administrator/Board Secretary no later than three working days after receipt of the Superintendent’s decision. The appeal shall include:

a. The original complaint;

b. The response to the complaint;

c. The Superintendent’s decision;

d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and

e. The complainant’s reason for believing the Superintendent’s decision should be changed.

8. If a staff member is charged with a discriminatory act, the Board will provide a copy of the appeal to that staff member.

9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.

10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.

11. The complainant will be informed of his/her right to appeal the Board’s decision to the:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section – 1425 NYAV
Washington, D.C. 20530
12. An individual who believes he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the district may, by himself/herself, or an authorized representative, at any time, file a complaint directly with OCR.

13. Record:

   a. The record of any complaint processed in accordance with this procedure will be maintained in a file kept by the District Coordinator.

   b. A copy of the decision rendered at the highest level of appeal will be kept in the employee’s personnel file.

(Second Reading March 14, 2017)

(Alert 210 Revised)

Adopted:
[See POLICY ALERT Nos. 160 and 210]

5116 EDUCATION OF HOMELESS CHILDREN

The Board of Education will admit and enroll homeless children in accordance with Federal and State laws and New Jersey Administrative Code. The Board of Education adopts this Policy to be in compliance with law and administrative code to ensure the enrollment of homeless children in school and to respond to appeals made by parents or other parties related to the enrollment of homeless children.

The Board of Education shall determine that a child is homeless when he or she resides in a publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers. A child is also determined homeless when he or she resides in a public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles including mobile homes; tents or other temporary shelters; parks; abandoned buildings; bus or train stations; temporary shelters provided to migrant workers and their children on farm sites; and the residence of relatives or friends where the homeless child resides out of necessity because his or her family lacks a regular or permanent residence of its own. A child is also determined homeless when he or she resides in substandard housing or any temporary location wherein children and youth are awaiting foster care placement.

The school district of residence for a homeless child is responsible for the education of the child and shall assume all responsibilities as required in N.J.A.C. 6A:17-2.3. The school district of residence for a homeless child means the school district in which the parent of a homeless child resided prior to becoming homeless.

The school district liaison designated by the Superintendent of Schools for the education of homeless children is the Assistant Superintendent. The liaison will facilitate communication and cooperation between the school district of residence and the school district where the homeless child resides and shall assume all responsibilities as outlined in N.J.A.C. 6A:17-2.4(a).
When a homeless child resides in a school district, the school district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, the Department of Human Services or the Department of Children and Families, a shelter director, an involved agency, or a case manager. Upon notification of the need for enrollment of a homeless child, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.5(b).

The Superintendent of the school district of residence or designee shall decide in which school district the homeless child shall be enrolled in accordance with the provisions of N.J.A.C. 6A:17-2.5.

Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2.1 et seq.

When a dispute occurs regarding the determination of homelessness or the determination of the school district of enrollment made by the school district of residence, the Superintendent(s) or the designee(s) of the involved district(s) or the child’s parent(s) shall immediately notify the Executive County Superintendent of Schools, who, in consultation with the Department of Education’s McKinney-Vento Homeless Education Coordinator or designee, shall immediately decide the child’s status. If a dispute remains between the parent-and the involved school district(s) following the Executive County Superintendent’s determination, the parent or the involved district Board(s) of Education may appeal to the Commissioner of Education for determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

When a school district designated as the school district of residence disputes its designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent of Schools, who shall immediately make a determination, if possible, but no later than within forty-eight hours.

If the dispute regarding determination of district of residence does not involve the determination of homelessness and/or district enrollment, the school district disputing the Executive County Superintendent’s determination may appeal to the Department of Education pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f) and request a determination from the Division of Administration and Finance. If an
appeal of a determination of district of residence also includes an appeal of the
determination of homelessness and/or school district of enrollment, the appeal
shall be submitted to the Commissioner of Education pursuant to N.J.A.C. 6A:3,
Controversies and Disputes.

Any dispute or appeal shall not delay the homeless child’s immediate enrollment
or continued enrollment in the school district. The homeless child shall be
enrolled in the school district in which enrollment or continued enrollment is
sought by the parent, pending resolution of the dispute or appeal. Disputes and
appeals involving the services provided to a homeless child with a disability shall
be made pursuant to N.J.A.C. 6A:14.

Financial responsibility, including the payment of tuition for the homeless child,
will be in accordance with N.J.A.C. 6A:17-2.8. The school district of residence
shall list the child on its annual Application for State School Aid (ASSA)
pursuant to N.J.S.A. 18A:7F-33 until the parent establishes a permanent residence
or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d.
At that time, the school district of residence shall no longer list the student on its
ASSA. The State shall assume fiscal responsibility for the tuition of the child
pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in
which the child is currently enrolled until the parent establishes a permanent
residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A.

N.J.A.C. 6A:17-2.1 et seq.

(Second Reading April 25, 2017)

(Revised Alert 210)

Adopted:
[See POLICY ALERT Nos. 160 and 210]

R 5116 EDUCATION OF HOMELESS CHILDREN

A. Definitions (N.J.A.C. 6A:17-1.2)

1. “School district liaison for the education of homeless children” means the person identified in the school district that facilitates all activities needed to ensure the enrollment and attendance of homeless children.

2. “School district of residence” for a homeless child means the school district in which the parent of a homeless child resided prior to becoming homeless. It may not be the school district in which the student currently resides. This is synonymous with the term "school district of origin" referenced in the McKinney-Vento Homeless Education Assistance Act. "School district of residence" for a student in a State facility means the school district in which the parent with whom the student lived prior to placement in a State facility currently resides pursuant to N.J.S.A. 18A:7B-12.b.


4. “Immediate” or “immediately” means at the instant the need for placement is made known.

5. “Parent” means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, or person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child’s welfare.

6. “Superintendent” means Superintendent and/or Chief School Administrator.
B. Determination of Homelessness (N.J.A.C. 6A:17-2.2)

1. The Board of Education shall determine that a child is homeless for the purposes of N.J.A.C. 6A:17-2 when he or she resides in any of the following:

   a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers;

   b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles including mobile homes; tents or other temporary shelters; parks; abandoned buildings; bus or train stations; or temporary shelters provided to migrant workers and their children on farm sites;

   c. The residence of relatives or friends where the homeless child resides out of necessity because his or her family lacks a regular or permanent residence of its own;

   d. Substandard housing; or

   e. Any temporary location wherein children and youth are awaiting foster care placement.

C. Responsibilities of the School District of Residence (N.J.A.C. 6A:17-2.3)

1. The school district of residence for a homeless child is responsible for the education of the child and shall:

   a. Determine the school district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.5;

   b. Pay the cost of tuition pursuant to N.J.S.A. 18A:38-19, when the child attends school in another school district; and

   c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.
2. The determination of the homeless child’s school district of residence shall be made by the Superintendent of the school district of residence or designee pursuant to N.J.A.C. 6A:17-2.4 based upon information received from the parent, the Department of Human Services or the Department of Children and Families, a shelter provider, another school district, an involved agency, or a case manager.

3. The district Board of Education identified in accordance with N.J.S.A. 18A:7B-12 as the school district of residence for a homeless child shall be the school district of residence until the parent establishes a permanent residence. Financial responsibility will remain with the homeless child’s school district of residence until the family is deemed domiciled in another jurisdiction, pursuant to N.J.S.A. 18A:38-1.d.

D. Designation of School District Liaisons and Their Responsibilities (N.J.A.C. 6A:17-2.4)

1. The Superintendent identifies the Assistant Superintendent as the district liaison for the education of homeless children. The school district liaison shall:

   a. Facilitate communication and cooperation between the school district of residence and the school district where the homeless child resides;

   b. Develop procedures to ensure a homeless child residing in the school district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.5;

   c. Ensure homeless families, children, and youth receive educational services for which they are eligible, including Head Start and Even Start programs, preschool programs administered by the local education agency, and referrals to health care, dental, mental health, and other appropriate services;

   d. Inform parents of homeless children and youth of the educational and related opportunities available to their
children and ensure that they are provided with meaningful opportunities to participate in the education of their children;

e. Ensure that public notice of the educational rights of homeless children and youth is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;

f. Ensure enrollment disputes are resolved pursuant to N.J.A.C. 6A:17-2.7;

g. Ensure the parent of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school district of residence, and is assisted in accessing transportation to the school selected under N.J.A.C. 6A:17-2.5;

h. Assist the parent to obtain the homeless child or youth's medical records or required immunizations; and

i. Assist an unaccompanied youth to ensure he or she is enrolled and is receiving all services pursuant to N.J.A.C. 6A:17.

2. When a homeless child resides in a school district, the district liaison shall notify the liaison of the school district of residence within twenty-four hour of receiving notification from the parent, the Department of Human Services or the Department of Children and Families, a shelter director, an involved agency, or a case manager.

3. Upon notification of the need for enrollment of a homeless child, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.5(b).
E. School District Enrollment (N.J.A.C. 6A:17-2.5)

1. The Superintendent of the school district of residence or designee shall decide in which district the homeless child shall be enrolled as follows:
   a. Enroll the homeless child in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the homeless child’s parent;
   b. Continue the homeless child’s education in the school district of last attendance if it is not the school district of residence; or
   c. Enroll the homeless child in the school district where the child resides.

2. The Superintendent of the school district of residence or designee shall decide the school district of enrollment of a homeless child based on what is determined to be in the best interest of the child after considering:
   a. The enrollment of the homeless child in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the child’s parent.
   b. The continuity of the child’s educational program;
   c. The eligibility of the child for special instructional programs, including but not limited to bilingual, gifted and talented, special education, early childhood, and career and technical education programs; and
   d. The distance, travel time, and safety factors in coordinating transportation services from the temporary residence to the school.

3. The Superintendent of the school district of residence or designee shall determine the child’s school district enrollment immediately after consultation with the parent. The school district of residence shall adhere to the following procedures:
a. Enrollment decisions shall be made immediately upon notification of the need for enrollment. When the decision is made, the child will be enrolled immediately. If a dispute arises regarding enrollment of a homeless child, the homeless child shall be immediately enrolled in the school district in which enrollment is sought by the parent, pending resolution of the dispute pursuant to N.J.A.C. 6A:17-2.7.

b. Consultation with the parent regarding the enrollment decision and the right to appeal the decision shall be documented in writing.

c. A decision to enroll a homeless child in a school district other than the school district of residence or the school district requested by the parent shall be explained in writing and provided to the parent.

4. When a decision is made to enroll the child in a school district other than the school district of residence, the Superintendent or designee of the school district of residence shall forward to the new school district all relevant school and health records consistent with the provisions of N.J.A.C. 6A:32, School District Operations.

5. When a homeless child with a disability is enrolled in a school district other than the school district of residence, the school district of enrollment shall treat the student as a transfer student pursuant to N.J.A.C. 6A:14, Special Education.

6. When the school district of residence for a homeless child cannot be determined, the Superintendent or designee of the school district in which the child currently resides shall enroll the child immediately in the school district of the current residence or the school district of last attendance.

7. The school district selected pursuant to N.J.A.C. 6A:17-2 shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation.
8. Enrollment in the school district of residence, the school district of last attendance if not the school district of residence, or the school district where the child resides shall continue for the duration of homelessness, including when a family becomes homeless between academic years, and also for the remainder of the academic year if the homeless child becomes permanently housed during the academic year.

F. Parental Rights (N.J.A.C. 6A:17-2.6)

1. Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2.1 et seq.

G. Disputes and Appeals (N.J.A.C. 6A:17-2.7)

1. When a dispute occurs regarding the determination of homelessness or the determination of the school district of enrollment made by the school district of residence, the Superintendent(s) or designee(s) of the involved school district(s) or the child’s parent(s) shall immediately notify the Executive County Superintendent of Schools, who, in consultation with the Department’s McKinney-Vento Homeless Education Coordinator or designee, shall immediately decide the child’s status. If a dispute remains between the parent and the involved school district(s) following the Executive County Superintendent’s determination, the parent or the involved district Board(s) of Education may appeal to the Commissioner of Education for a determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

2. When a school district designated as the school district of residence disputes its designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent of Schools, who shall make a
determination immediately, if possible, but no later than within forty-eight hours.

a. If the dispute regarding determination of district of residence does not involve the determination of homelessness and/or district enrollment, the school district disputing the Executive County Superintendent’s determination may appeal to the Department of Education pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f), and request a determination from the Division of Administration and Finance.

b. If an appeal of a determination of district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

3. Any dispute or appeal shall not delay the homeless child’s immediate enrollment or continued enrollment in the school district. The homeless child shall be enrolled in the school district in which enrollment or continued enrollment is sought by the parent, pending resolution of the dispute or appeal.

4. Disputes and appeals involving the services provided to a homeless child with a disability shall be made pursuant to N.J.A.C. 6A:14.

H. Tuition (N.J.A.C. 6A:17-2.8)

1. When the homeless child is enrolled in a school district other than the school district of residence, the school district of residence shall pay to the school district of enrollment the tuition costs pursuant to N.J.S.A. 18A:38-19 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer pay tuition to the school district of enrollment.

2. The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A.
18A:7F-33 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer list the student on its ASSA.

3. The State shall assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d, under the following circumstances:

a. If the school district of residence cannot be determined for the homeless child;

b. If the school district of residence is outside of the State; or

c. If a child resides in a Department of Community Affairs-licensed emergency shelter or transitional living facility due to domestic violence for more than a year combined for the duration of the placement pursuant to N.J.S.A. 18A:7B-12.d.

(1) When the State assumes fiscal responsibility for the tuition of a homeless child, the State shall pay to the school district in which the child is enrolled the weighted base per pupil amount calculated pursuant to N.J.S.A. 18A:7F-49, and the appropriate security and special education categorical aids per pupil pursuant to N.J.S.A. 18A:7F-55 and 56.

(Second Reading April 25, 2017)

(Revised Alert 210)

Issued:
POLICY GUIDE

5600  STUDENT DISCIPLINE/CODE OF CONDUCT

The Board of Education adopts this Student Discipline/Code of Conduct Policy to establish standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds. Every student enrolled in this district shall observe promulgated rules and regulations and the discipline imposed for infraction of those rules.

The Superintendent of Schools will establish a process for the annual review and update of the district’s Student Discipline/Code of Conduct Policy and Regulation that may involve a committee of parents, students, and community members that represent, where possible, the composition of the district’s schools and community. The Superintendent will report to the Board the process used for the annual review of this Policy and Regulation and will recommend to the Board updates, if any, to the Student Discipline/Code of Conduct Policy and Regulation.

The Student Discipline/Code of Conduct Policy and Regulation shall be disseminated annually to all school staff, students, and parents. The Board of Education shall provide to all employees annual training on the Student Discipline/Code of Conduct Policy and Regulation, which shall include training on the prevention, intervention, and remediation of student conduct that violates the district’s Policy and Regulation. Information on the Student Discipline/Code of Conduct Policy and Regulation shall be incorporated into the orientation for new employees.

The Board provides for the district’s Student Discipline/Code of Conduct’s equitable application. Student discipline and the Code of Student Conduct will be applied without regard to race; color; religion; ancestry; national origin; nationality; sex; gender; sexual orientation; gender identity or expression; marital, domestic-partnership, or civil union; mental, physical or sensory disability; or by any other distinguishing characteristic, pursuant to N.J.S.A. 10:5-1 et seq.

For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. §1400 et seq., the Individuals with Disabilities Education Improvement Act and accommodation plans under 29 U.S.C. §§ 794.
and 705(20), the Code of Student Conduct shall be implemented in accordance with the components of the applicable plans.

The Student Discipline/Code of Conduct is established for the purposes outlined in N.J.A.C. 6A:16-7.1(b).

Policy and Regulation 5600 include a description of student responsibilities that include expectations for academic achievement, behavior, and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1; a description of behaviors that will result in suspension or expulsion, pursuant to N.J.S.A. 18A:37-2; and a description of student rights pursuant to N.J.A.C. 6A:16-7.1(c)3.i through vii.

The Board of Education approves the use of comprehensive behavioral supports that promote positive student development and the students’ abilities to fulfill the behavioral expectations established by the Board. These behavioral supports include, but are not limited to, positive reinforcement for good conduct and academic success including the programs that honor and reward student conduct and academic achievement; supportive intervention and referral services including those services outlined in Policy 2417; remediation of problem behaviors that take into account the behavior’s nature, the students’ developmental ages and the students’ histories of problem behaviors and performance; and for students with disabilities, the behavior interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14.

Policy and Regulation 5600 include a description of school responses to violations of behavioral expectations established by the Board that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behaviors pursuant to N.J.A.C. 6A:16-7.1(c)5.

Students are required to be in compliance with Policy and Regulation 5200 – Attendance pursuant to N.J.A.C. 6A:16-7.6 and Policy and Regulation 5512 – Harassment, Intimidation, and Bullying pursuant to N.J.A.C. 6A:16-7.7.

The Building Principal shall maintain a current list of community-based health and social service provider agencies available to support a student and the student’s family, as appropriate, and a list of legal resources available to serve the community.
The Building Principal or designee shall have the authority to assign discipline to students. School authorities also have the right to impose a consequence on a student for conduct away from school grounds that is consistent with the district’s Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.5. This authority shall be exercised only when it is reasonably necessary for the student’s physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other students, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2. This authority shall be exercised only when the conduct that is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. Consequences pursuant to N.J.A.C. 6A:16-7.5 shall be handled in accordance with Policy and Regulation 5600, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 6A:16-7.3, or 6A:16-7.4. School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

Consequences and appropriate remedial action for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion. The factors for determining consequences and remedial measures and examples of consequences and remedial measures are listed in Policy 5512 – Harassment, Intimidation, and Bullying. Consequences for a student who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student’s history of problem behaviors and performance, and shall be consistent with this Policy and the school district’s Student Discipline/Code of Conduct Policy pursuant to N.J.A.C. 6A:16-7.1. Remedial measures for one or more acts of harassment, intimidation, or bullying shall be designed to correct the problem behavior; prevent another occurrence of the problem; protect and provide support for the victim of the act; and take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

Consequences and remedial measures to address acts or incidents of dating violence at school shall be consistent with the school district’s Student Discipline/Code of Conduct Policy. The factors for determining consequences and remedial measures and examples of consequences and remedial measures are included in Policy and Regulation 5519 – Dating Violence at School and shall be
used to address the act or incident as well as serve as remediation, intervention, education, and prevention for all individuals involved. The responses shall be tiered with consideration given to the seriousness and the number of previous occurrences of acts or incidents in which both the victim and aggressor have been involved. Consequences for acts or incidents of dating violence at school may range from admonishment to suspension or expulsion. Retaliation towards the victim of any act or incident of dating violence shall be considered when administering consequences to the aggressor based on the severity of the act or incident. Remedial measures/interventions for acts or incidents of dating violence at school may include, but are not limited to: parent conferences, student counseling (all students involved in the act or incident), peer support groups, corrective instruction or other relevant learning or service experiences, supportive student interventions (Intervention and Referral Services - I&RS), behavioral management plans, and/or alternative placements.

Any student to be disciplined shall be provided the due process procedures for students and their families as set forth in Policy and Regulation 5600 and N.J.A.C. 6A:16-7.2 through 7.4.

In accordance with the provisions of N.J.A.C. 6A:16-7.8, when a student transfers to a public school district from another public school district, all information in the student’s record related to disciplinary actions taken against the student by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information, Penalties for Disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a) and N.J.A.C. 6A:32-7.5.

The Superintendent may be required to submit a report annually to the New Jersey Department of Education on student conduct, including all student suspensions and expulsions, and the implementation of the Student Discipline/Code of Conduct Policy in accordance with the format prescribed by the Commissioner of Education. The Superintendent shall report to the Commissioner of Education each incident of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses, pursuant to N.J.A.C. 6A:16-4.3, in the school district utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3.
N.J.A.C. 6A:16-7.1 et seq.; 6A:14-1.1 et seq.

(Second Reading April 25, 2017)

(Revised Alert 204)

Adopted:
[See POLICY ALERT Nos. 140, 147, 176, 193, 196 and 204]

R 5600 STUDENT DISCIPLINE/CODE OF CONDUCT

A. Purpose

The Student Code of Conduct and this Regulation are established to achieve the following purposes:

1. Foster the health, safety, social, and emotional well-being of students;

2. Support the establishment and maintenance of civil, safe, secure, supportive, and disciplined school environments conducive to learning;

3. Promote achievement of high academic standards;

4. Prevent the occurrence of problem behaviors;

5. Establish parameters for the intervention and remediation of problem student behaviors at all stages of identification; and

6. Establish parameters for school responses to violations of the code of student conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of student offenders and students’ histories of inappropriate behaviors in accordance with N.J.A.C. 6A:16-7.2 through 7.8, as appropriate.

B. Expectations for Academic Achievement, Behavior, and Attendance

All students have a responsibility to comply with State statutes and administrative codes for academic achievement, behavior, and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1.
C. Behaviors That May Result in Suspension or Expulsion

In accordance with the provisions of N.J.S.A. 18A:37-2, any student who is guilty of continued and willful disobedience, open defiance of the authority of any teacher or person having authority over the student, the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, any of the following:

1. Continued and willful disobedience;

2. Open defiance of the authority of any teacher or person, having authority over the student;

3. Conduct of such character as to constitute a continuing danger to the physical well-being of other students;

4. Physical assault upon another student;

5. Taking, or attempting to take, personal property or money from another student, or from the student’s presence, by means of force or fear;

6. Willfully causing, or attempting to cause, substantial damage to school property;

7. Participation in an unauthorized occupancy by any group of students or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the Principal or other person then in charge of such building or facility;

8. Incitement which is intended to and does result in unauthorized occupation by any group of students or others of any part of a school or other facility owned by any school district;
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9. Incitement which is intended to and does result in truancy by other students;

10. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises; and

11. Harassment, intimidation, or bullying.

Students shall also be suspended from school for assault upon a school staff member in accordance with the provisions of N.J.S.A. 18A:37-2.1 and 2.2.

D. Students’ Rights

Students subject to the consequences of the Student Discipline/Code of Conduct Policy and Regulation shall be informed of their rights, pursuant to N.J.A.C. 6A:16-7.1(c)3.i. through vii., that include:

1. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;

2. Education that supports students’ development into productive citizens;

3. Attendance in safe and secure school environments;

4. Attendance at school irrespective of students’ marriage, pregnancy, or parenthood;

5. Due process and appeal procedures, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8, and N.J.A.C. 6A:16-7.2 through 7.5;
6. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3 and N.J.A.C. 6A:16-7.1 through 7.8; and


E. Comprehensive Behavioral Supports

Below are behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the Board. These behavioral supports may include, but are not limited to, the following:

1. Positive Reinforcement for Good Conduct and Academic Success

   A student will be provided positive reinforcement for good conduct and academic success.

2. Supportive Interventions and Referral Services
A student may be referred to the school’s Intervention and Referral Services Team in accordance with the provisions of N.J.A.C. 6A:16-8.1 and 8.2 and Policy and Regulation 2417.

3. Remediation of Problem Behavior

The following actions may be taken to remediate problem behavior. These actions will take into account the behavior’s nature, the students’ developmental ages, and the students’ histories of problem behaviors and performance.

a. Restitution and Restoration

(1) A student may be required to make restitution for any loss resulting from the student’s conduct; or

(2) A student may be required, at the discretion of the school district and when appropriate, to restore to its former condition any damaged or defaced property resulting from the student’s conduct.

b. Counseling

(1) A student may be required to consult with school guidance counselors or Child Study Team members.

(2) The counselor will explain why the student’s conduct is unacceptable to the school and damaging to the student, what the consequences of continued misconduct are likely to be, and appropriate alternative behaviors.

(3) The counselor may refer the student, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. Referrals may be made to the Child Study Team, the school’s Intervention and Referral Services Team, a public or private social agency, a legal agency, or any other referral service that may assist the student.
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c. Parent Conferences

(1) Students may be required to attend a meeting with their parent and appropriate school staff members to discuss the causes of the student’s behavior, possible remediation, potential disciplinary measures, and alternative conduct.

d. Alternate Educational Program

(1) Students may be assigned to an alternate educational program as recommended by the student’s guidance counselor, classroom teacher, Child Study Team, and/or other school staff member.

4. Students with Disabilities

For students with disabilities, the remedial measures and behavioral interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14.

F. School Responses to Violations of Behavioral Expectations

1. In accordance with the provisions of N.J.A.C. 6A:16-7.1(c)5, the Student Code of Conduct shall include a description of school responses to violations of behavioral expectations established by the Board of Education that, at a minimum are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behavior that shall:

   a. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;

   b. Be consistent with other responses, pursuant to N.J.A.C. 6A:16-5.5;
c. Provide for equitable application of the Code of Student Conduct without regard to race; color; religion; ancestry; national origin; nationality; sex; gender; sexual orientation; gender identity or expression; marital, domestic-partnership, or civil union; mental, physical, or sensory disability; or any other distinguishing characteristic, pursuant to N.J.S.A. 10:5-1 et seq. and


G. Description of School Responses

School responses to violations of behavioral expectations are listed below:

1. Admonishment/Reprimand

   a. A school staff member in authority may admonish or reprimand a student’s unacceptable conduct and warn the student that additional misconduct may warrant a more severe penalty.

2. Temporary Removal from Classroom

   a. The classroom teacher may direct the student report to the office of the administrator in charge of student discipline.

   b. The teacher will complete a form that indicates the student’s name and the conduct that has caused the student’s removal from the teacher’s room.

   c. The administrator in charge of discipline will interview the student and determine which, if any, additional consequences shall be imposed.

3. Meeting with School Administration and Parent

   a. The student’s parent may be required to attend a meeting with the Principal or designee and the student to discuss the
student’s conduct and to ensure the parent and the student understand school rules and expectations.

4. Deprivation of Privileges
   a. Students may be deprived privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment. These privileges may include, but are not limited to:
      
      (1) Moving freely about the school building;
      
      (2) Participation in co-curricular or inter/intrascholastic activities;
      
      (3) Attendance at a school-related social or sports activity;
      
      (4) Participation in a graduation ceremony;
      
      (5) Transportation to and from school on a school bus; or
      
      (6) Any other privilege the Building Principal or designee determines may be appropriate and consistent with Policy and Regulation 5600 and N.J.A.C. 6A:16-7.1 et seq.

5. Detention
   a. A student may be required to report before or after the school day to detention. This detention may be assigned by the teacher or the Principal or designee.
   
   b. Transportation to detention before school or from detention after school will be the responsibility of the parent.
   
   c. A student may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

6. Grade Adjustment
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a. A student who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence may suffer a reduced grade by virtue of the disqualified work. In no other instance may a student’s grade be lowered as a direct penalty for misconduct.

7. In-school Suspension

a. If the school operates an in-school suspension program, a student may be removed from his/her regular classes and required to report to the in-school suspension program.

b. In-school suspension will not be imposed without the due process procedures set forth in Policy and Regulation 5610.

8. Suspension from School


b. Suspension from school will not be imposed without the due process procedures set forth in Policy and Regulation 5610.

9. Expulsion


b. Expulsion is an extremely serious disciplinary measure and will not be imposed without the due process set forth in Policy and Regulation 5610 and Policy 5620.
H. Chart of Discipline

1. A Chart of Student Discipline listing school responses to violations of behavioral expectations shall be approved by the Board and included in each school’s student handbook.

<table>
<thead>
<tr>
<th>LEVELS</th>
<th>EXAMPLES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Classroom Teacher / Staff Member</strong></td>
<td>• Inappropriate language or behavior</td>
</tr>
<tr>
<td></td>
<td>• Disrespectful conduct</td>
</tr>
<tr>
<td></td>
<td>• Classroom tardiness</td>
</tr>
<tr>
<td></td>
<td>• Failure to follow teacher directives/instructions</td>
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<tr>
<td></td>
<td>• Bringing to school any toys, gadgets, or electronic devices that are not approved by administration</td>
</tr>
<tr>
<td></td>
<td>• Forgery</td>
</tr>
<tr>
<td></td>
<td>• Spreading rumors</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROCEDURES</th>
<th>POSSIBLE DISCIPLINARY INTERVENTIONS/RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>There should be an immediate intervention by the staff member who is supervising the student.</td>
<td></td>
</tr>
<tr>
<td>Anecdotal records may be maintained as appropriate</td>
<td></td>
</tr>
<tr>
<td>• Verbal reprimand [teacher]</td>
<td></td>
</tr>
<tr>
<td>• Discipline Referral Slip</td>
<td></td>
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<tr>
<td>• Behavioral contract</td>
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<tr>
<td>• Conference with student</td>
<td></td>
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<tr>
<td>• Withdrawal of privilege/s</td>
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<tr>
<td>• Reflective Activity</td>
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<tr>
<td>• Contact parent/guardian</td>
<td></td>
</tr>
<tr>
<td>• Peer mediation</td>
<td></td>
</tr>
<tr>
<td>• Confiscate items; return to parent/student after school hours</td>
<td></td>
</tr>
<tr>
<td>• Referral to guidance counselor</td>
<td></td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>LEVELS</th>
<th>EXAMPLES</th>
</tr>
</thead>
</table>
| **II. Administrative** | • Continuation/escalation of unmodified Level I misbehavior  
• Excessive disruptive behavior  
• Continued and willful disobedience  
• Wearing of unsafe or inappropriate clothing  
• Open defiance of authority  
• Repeated scholastic dishonesty  
• Active cell phone during school hours  
• Inappropriate physical contact/physical aggression between students  
• Verbal aggression towards a staff member  
• Intimidation/bullying  
• Violation of Bus Safety Rules  
• Violation of Internet Acceptable Use Policy |

<table>
<thead>
<tr>
<th>PROCEDURES</th>
<th>POSSIBLE DISCIPLINARY INTERVENTIONS/RESPONSES</th>
</tr>
</thead>
</table>
| The student is referred to the administrator for appropriate disciplinary action.  
The teacher is informed of the administrator’s action.  
A proper and accurate record of the offense and the disciplinary action is maintained by the administrator.  
The administrator contacts the parent/guardian. | • Verbal reprimand  
• Conference with student  
• Withdrawal of privilege/s  
• Detention/Reflective Activity  
• Discipline Referral Slip  
• Parent/guardian contact required  
• Behavioral contract  
• Functional Behavior Assessment  
• Removal of student from classroom by administrator, guidance counselor, or CST member  
• Return confiscated cell phone to parent  
• Peer mediation  
• Referral to outside agency  
• Referral for counseling [guidance, CST]  
• Referral to I&RS Committee  
• Progressive discipline |
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## LEVELS

**III. Administrative [Building and District] and Outside Agencies**

A student exhibits misbehavior directed against persons or property whose consequences may endanger or pose a direct threat to the health or safety of others in the school.

Some misbehavior may be considered serious, but can be handled by the disciplinary mechanism of the school. Others are considered criminal and require administrative actions, which result in the immediate removal of the student from school, the intervention of law enforcement authorities/other outside agencies, and action by central office administration.

## EXAMPLES

- Use/possession of unauthorized illegal substances/alcohol
- Gambling
- Graffiti
- Fighting
- Vandalism
- Stealing
- Extortion
- Threats to others
- Smoking on school property
- Gender, racial, or ethnic harassment
- Sexual harassment/assault
- Assault and battery
- Physical endangerment of others
- Possession/use of dangerous weapons
- Trespassing
- Arson
- False fire alarm
- Bomb threat
- Physical aggression towards a staff member

## PROCEDURES

An administrator initiates disciplinary action by investigating the infraction.

An administrator meets with the student and confers with the parent about the student’s misconduct and the resulting disciplinary action, which may include restitution of property and damages and/or equivalent provision of school or community service.

An administrator shall notify local law enforcement, outside agencies, or Affirmative Action Officer when appropriate.

A proper and accurate record of offenses and disciplinary actions is maintained by the administrator.

## POSSIBLE DISCIPLINARY INTERVENTIONS/RESPONSES

- Conference with parent/guardian
- Alternative programs
- Suspension
- Counseling [guidance, CST]
- Referrals to outside agencies
- Restitution for vandalism
- Referral to I&RS Committee
  - Referral to Affirmative Action Officer.
2. The school responses to violations of behavioral expectations that are subject to student discipline including suspension or expulsion pursuant to N.J.S.A. 18A:37-2 outlined in a Chart of Student Discipline shall be consistent with the Board’s policies and regulations/procedures on attendance, pursuant to N.J.A.C. 6A:16-7.6 and harassment, intimidation, and bullying, pursuant to N.J.A.C. 6A:16-7.7.

3. The Principal or designee will maintain a list of community-based health and social service provider agencies available to support a student and a student’s family, as appropriate, and a list of legal resources available to serve the community.

4. The Board of Education may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment.

5. Nothing in Policy and Regulation 5600 shall prevent the school administration from imposing a consequence for unacceptable student conduct not listed or included in a Chart of Student Discipline.

I. Student Conduct Away from School Grounds

1. The Building Principal or designee has the right to impose a consequence on a student for conduct away from school grounds that is consistent with the Board’s Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1.

   a. This authority shall be exercised only when it is reasonably necessary for the student’s physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other students, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2.

   b. This authority shall be exercised only when the conduct that is the subject of the proposed consequence materially
and substantially interferes with the requirements of appropriate discipline in the operation of the school.

c. Consequences for conduct away from school grounds shall be handled in accordance with the Board approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1, Policy and Regulation 5600, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 7.3, or 7.4.

2. School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

J. School Bus Conduct

Violations of the rules regarding student conduct on school buses will be handled as follows:

1. The bus driver will report unacceptable conduct to the Principal of the school in which the student is enrolled by submission of a completed written report that includes the name of the student, the school, and the student’s conduct.

2. The Principal or designee will investigate the matter, which may include meeting with the bus driver, bus aide, other students on the school bus, and the student who was reported by the bus driver.

3. The parent will be notified of the student’s reported conduct.

4. The Principal or designee will make a determination if the student violated behavioral expectations and the discipline to be administered in accordance with the Code of Student Conduct.

5. If it is determined the misconduct is severe, the student may be suspended from the bus pending a conference with the parent.

K. Students with Disabilities

For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. § 1400 et seq., the Individuals
with Disabilities Educational Improvement Act, N.J.A.C 6A:14, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), student discipline and the Code of Student Conduct shall be implemented in accordance with the components of the applicable plans.

L. Records

1. Instances of student discipline will be recorded in the student’s file in strict compliance with N.J.A.C. 6A:32-7.1 et seq. and Policy and Regulation 8330.

2. When a student transfers to a public school district from another public school district, all information in the student’s record related to disciplinary actions taken against the student by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information; Penalties for Disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), and N.J.A.C. 6A:32-7.5.

   a. The record shall be provided within two weeks of the date that the student enrolls in the receiving district.

   b. Written consent of the parent or adult student shall not be required as a condition of the record transfer; however, written notice of the transfer shall be provided to the parent or the adult student.

3. When a student transfers to a private school, which includes all sectarian or nonsectarian, nonprofit, institutional day, or residential schools that provide education for students placed by their parents and that are controlled by other than public authority, all student disciplinary records with respect to suspensions or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner the records would be provided to a public school, pursuant to 20 U.S.C. § 6301, Title IV § 4155 of the Elementary and Secondary Education Act.
4. The Board shall not use a student’s past offenses on record to discriminate against the student.

5. All student disciplinary records pursuant to N.J.A.C. 6A:16-7 shall conform with the requirements set forth in N.J.A.C. 6A:16-7.8(d).

M. Annual Review

The Superintendent will designate a school staff member to coordinate an annual review and update of Policy and Regulation 5600. The Superintendent’s designee will:

1. Compile an annual summary report of violations of the student behavioral expectations and the associated school responses to the violations in the Student Discipline/Code of Conduct Policy and Regulation.

2. Convene a Student Discipline/Code of Conduct Committee comprised of parents, students, and community members that represent the composition of the district’s schools and community to review the annual summary report and to develop recommendations, if any, to improve and update the Student Discipline/Code of Conduct Policy and Regulation.

3. The Superintendent’s designee shall submit the Committee’s recommendations, if any, to improve or update the Student Discipline/Code of Conduct Policy and Regulation.

4. The Superintendent will review the Committee’s report with school administrators and will determine if the Student Discipline/Code of Conduct Policy and Regulation should be updated.

5. The Superintendent will recommend to the Board revisions to the Student Discipline/Code of Conduct Policy, if needed.

N. Policy and Regulation Publication and Distribution
The Student Discipline/Code of Conduct Policy and Regulation 5600, including the Chart of Student Discipline shall be disseminated annually to all school staff, students, and parents. These documents may be disseminated in handbooks, electronically, or in hard copy form. Principals will ensure these documents are made available to all students on or before the first day of each school year and to transferring students on the first day of their enrollment in this district.

(Second Reading April 25, 2017)

(Revised Alert 204)

Adopted:
8330 STUDENT RECORDS

The Board of Education believes that information about individual students must be compiled and maintained in the interest of the student's educational welfare and advancement. The Board will strive to balance the student's right to privacy against the district's need to collect, retain, and use information about individual students and groups of students. The Board authorizes the establishment and maintenance of student files that include only those records mandated by law, rules of the State Board of Education, authorized administrative directive, and those records permitted by this Board.

The Superintendent shall prepare, present to the Board for approval, and distribute regulations that implement this Policy and conform to applicable State and Federal law and rules of the State Board of Education.

General Considerations

The Board of Education shall compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with the provisions of N.J.A.C. 6A:32-7.1 et seq. Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record. The school district shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and local policies shall be made available upon request. The school district shall make every effort to notify parents and adult students in their dominant language.

Nothing in this Policy shall be construed to prohibit certified school personnel from disclosing student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.
No liability shall be attached to any member, officer, or employee of the Board of Education permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.1 et seq.

Student Information Directory

A student information directory is a publication of the Board of Education that includes information relating to a student as defined in N.J.A.C. 6A:32-2.1. This information includes: name; grade level; date and place of birth; dates of school attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information. The student information directory shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. In the event the school district publishes a student information directory, the Superintendent or designee will provide a parent or adult student a ten-day period to submit to the Superintendent or building administrator a written statement prohibiting the school district from including any or all types of information about the student in any student information directory before allowing access to such directory to educational, occupational, and military recruiters pursuant to N.J.S.A. 18A:36-19.1 and P.L. 107-110 sec. 9528, Armed Forces Recruiter Access to Students and Student Recruiting Information of the No Child Left Behind Act of 2001.

School Contact Directory for Official Use

A school contact directory for official use is a compilation by the school district that includes the following information for each student: name; address; telephone number; date of birth; and school enrollment. The district shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory. The student contact directory may be provided for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question. To exclude any information from the school contact directory for official use the parent, adult student, or emancipated minor shall notify the Superintendent or designee in writing.
Mandated and Permitted Student Records

Mandated student records are those records school districts have been directed to compile by State statute, regulations, or authorized administrative directive in accordance with N.J.A.C. 6A:32-7.3.

Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student’s educational welfare. The Board shall authorize the permitted records to be collected by adopting Policy and Regulation 8330, which will list such permitted records.

Maintenance and Security of Student Records

The Superintendent or designee shall be responsible for the security of student records maintained in the school district. Policy and Regulation 8330 assure that access to such records is limited to authorized persons.

Records for each individual student may be stored electronically or in paper format. When student records are stored electronically, proper security and back-up procedures shall be administered.

Student health records, whether stored on paper or electronically, shall be maintained separately from other student records, until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record. Records shall be accessible during the hours in which the school program is in operation.

Any district internet website shall not disclose any personally identifiable information about a student without receiving prior written consent from the student’s parent, in accordance with the provisions of N.J.S.A. 18A:36-35. Personally identifiable information means student names; student photos; student addresses; student e-mail addresses; student phone numbers; and locations and times of class trips.

Access to Student Records

Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records.
to student records shall be provided to persons authorized such access under 
N.J.A.C. 6A:32-7.1 et seq. within ten days of a request, but prior to any review or 
hearing conducted in accordance with N.J.A.C. 6A.

The district shall control access to, disclosure of, and communication regarding 
information contained in student health records to assure access only to people 
permitted by Federal and State statute and regulations in accordance with 

The district may charge a reasonable fee for reproduction of student records, not 
to exceed the schedule of costs set forth in N.J.S.A. 47:1A-5, provided that the 
cost does not effectively prevent the parents or adult students from exercising 
their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and 
regulations regarding students with disabilities, including N.J.A.C. 6A:14.

Access to and disclosure of a student’s health record shall meet the requirements 

Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32- 
7.5 shall have access to student records, including student health records.

Nothing in N.J.A.C. 6A:32-7.1 et seq. or in Policy and Regulation 8330 shall be 
construed to prohibit school personnel from disclosing information contained in 
the student health record to students or adults in connection with an emergency, if 
such knowledge is necessary to protect the immediate health or safety of the 
student or other persons.

In complying with N.J.A.C. 6A:32-7 – Student Records, individuals shall adhere 
to requirements pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act 
(OPRA) and 34 CFR Part 99, the Family Educational Rights and Privacy Act 
(FERPA).

Conditions for Access to Student Records

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32- 
7.1 et seq. shall have access to the records of a student subject to conditions 
outlined in N.J.A.C. 6A:32-7.6(a).
Rights of Appeal for Parents and Adult Students

Student records are subject to challenge by parents and adult students on the grounds of inaccuracy, irrelevancy, impermissive disclosure, inclusion of improper information or denial of access to organizations, agencies, and persons in accordance with N.J.A.C. 6A:32-7.7(a).

To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the parent or adult student shall follow the procedures pursuant to N.J.A.C. 6A:32-7.7(b).

Appeals relating to student records for students with disabilities shall be processed in accordance with the requirements of N.J.A.C. 6A:32-7.7(b).

Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place in the student record a statement commenting upon the information in the student record or setting forth any reasons for disagreement with the decision made in the appeal. Such statements shall be maintained as part of the student's record as long as the contested portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.

Retention and Disposal of Student Records

A student's record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district. The school district shall retain the student health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.

Student records of currently enrolled students, other than that described in N.J.A.C. 6A:32-7.8(e), may be disposed of after the information is no longer necessary to provide educational services to a student and in accordance with the provisions of N.J.A.C. 6A:32-7.8(b).

Upon graduation or permanent departure of a student from the school district, the parent or adult student shall be notified in writing that a copy of the entire student's record will be provided to them upon request. Information in student
records, other than that described in N.J.A.C. 6A:32-7.8(e), may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. Such disposition shall be in accordance with the provisions of N.J.A.C. 6A:32-7.8(c)2.

No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.

In accordance with N.J.A.C. 6A:32-7.8(e), the New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district shall keep for 100 years a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.


(Second Reading April 25, 2017)

(Revised Alert 210)

Adopted:
REGULATION GUIDE

[See POLICY ALERT Nos. 83, 95, 110, 121, 138, 139, 144, 147, 163, 171, 175 and 210]

R 8330 STUDENT RECORDS

A. Definitions (N.J.A.C. 6A:32-2.1)

1. “Access” means the right to view, make notes, and/or reproduce a student record.

2. “Adult student” means a person who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor.

3. “Mandated student records” means student records that school districts compile pursuant to State statute, regulation, or authorized administrative directive.

4. “Parent” means the natural or adoptive parent, legal guardian, surrogate appointed according to N.J.A.C. 6A:14-2.2, or a person acting in place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student’s welfare). Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under N.J.A.C. 6A:32. In addition, a foster parent may act as a parent under the provisions of N.J.A.C. 6A:32 if the parent’s authority to make educational decisions on the student’s behalf has been terminated by a court of appropriate jurisdiction.

5. “Permitted student records” means records that the Board of Education has authorized, by resolution adopted at a regular public meeting, to be collected to promote the educational welfare of students.
6. "Student record" means information related to an individual student gathered within or outside the school district and maintained within the school district regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information that is maintained for the purpose of second-party review is considered a student record. Therefore, information recorded by certified school personnel solely as a memory aid and not for the use of a second party is excluded from this definition.

7. "Student information directory" means a publication of the Board of Education that includes information relating to a student. It shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. The information shall be the student's: name; grade level; date and place of birth; dates of attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information.

B. General Considerations (N.J.A.C. 6A:32-7.1)

1. The Board of Education shall compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with the provisions of N.J.A.C. 6A:32-7.1. et seq.

2. Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record.

3. The school district shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the
applicable State and Federal laws and local policies shall be made available upon request. The school district shall make every effort to notify parents and adult students in their dominant language.

4. A non-adult student may assert rights of access only through his or her parents. However, nothing in N.J.A.C. 6A:32-7 et seq. or in Policy or Regulation 8330 shall be construed to prohibit certified school personnel from disclosing at their discretion student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

5. The parent or adult student shall have access to their own records and have access to or be specifically informed about only that portion of another student's record that contains information about his or her own child or himself or herself.

6. The Superintendent or designee shall require all permitted student records of currently enrolled students to be reviewed annually by certified school personnel to determine the education relevance of the material contained therein. The reviewer shall cause data no longer descriptive of the student or educational program to be deleted from the records except that prior notice shall be given for classified students in accordance with N.J.A.C. 6A:14, Special Education. Such information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.

7. No liability shall be attached to any member, officer, or employee of the Board of Education permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.1 et seq.

8. When the parent's or adult student's dominant language is not English or the parent or adult student is deaf, the school district shall provide interpretation of the student records in the dominant language of the parents or adult student.

9. Student health records shall be maintained separately from other student records and handled, according to the requirements of N.J.A.C. 6A:32-7.1 et seq., until such time as graduation or
termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

C. School Contact Directory for Official Use (N.J.A.C. 6A:32-7.2)

1. The Board of Education shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory.

   a. School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question.

   b. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider currently providing services to the student in question, school personnel shall promptly verify the enrollment of a student and provide the requester with all the information about that student that is contained in the school contact directory for official use.

2. To exclude any information from the school contact directory for official use, the parent, adult student, or emancipated minor shall notify the Superintendent or designee in writing.

D. Mandated and Permitted Student Records (N.J.A.C. 6A:32-7.3)

1. Mandated student records shall include the following:

   a. The student's name, address, telephone number, date of birth, name of parent(s), gender, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance;

   b. Record of daily attendance;
c. Descriptions of student progress according to the system of student evaluation used in the school district;

d. History and status of physical health compiled in accordance with State regulations, including results of any physical examinations given by qualified school district employees and immunizations;

e. Records pursuant to rules and regulations regarding the education of students with disabilities; and

f. All other records required by N.J.A.C. 6A.

2. Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare and include the following as authorized by this Board upon adoption of Policy and Regulation 8330. These records may include, but are not limited to:

a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by teaching staff members in the performance of their professional responsibilities and intended for review by another person, provided the record is dated and signed by the originator. Information recorded solely as a memory aid for the originator becomes a student's record when it is reviewed by any other person, including a substitute;

b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;

c. Educationally relevant information provided by the parent, adult student, or emancipated minor regarding the student's achievements or school activities;

d. Any correspondence with the student and/or the student's parents;
e. Driver education certificate;
f. Emergency notification form;
g. New student registration form;
h. Withdrawal or transfer form;
i. Change of schedule form;
j. Records of disciplinary infractions, penalties, and disciplinary hearings;
k. Records of the student's co-curricular and athletic activities and achievements;
l. Class rank;
m. Awards and honors;
n. Notations of additional records maintained in a separate file;
o. The statement from a student's parent, adult student, or emancipated minor regarding a contested portion of the record;
p. Entries indicating review of the file by an authorized person;

E. Maintenance and Security of Student Records (N.J.A.C. 6A:32-7.4)

1. The Superintendent or designee shall be responsible for the security of student records maintained in the school district and shall devise procedures/regulations for assuring that access to such records is limited to authorized persons. Policy and Regulation 8330 assures that access to such records is limited to authorized persons.

2. Records for each individual student may be stored either electronically or in paper format. When student records are stored
electronically, proper security and backup procedures shall be administered.

3. Student health records, whether stored on paper or electronically, shall be maintained separately from other student records, until such time as graduation or termination whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

4. Records shall be accessible during the hours in which the school program is in operation.

5. Mandated student records required as part of programs established through State-administered entitlement or discretionary funds from the U.S. Department of Education shall be maintained for a period of five years after graduation, termination from the school district, or age twenty-three, whichever is longer, and shall be disposed of in accordance with N.J.S.A. 47:3-15 et seq.


F. Access to Student Records (N.J.A.C. 6A:32-7.5)

1. Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1 et seq. within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.

2. The school district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations or stated in N.J.A.C. 6A:32-7.5(e) and section G. below.

3. The school district may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-5, provided that the cost does not effectively
prevent the parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.

4. Access to and disclosure of a student's health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

G. Authorized Organizations, Agencies, and Persons with Access to Student Records (N.J.A.C. 6A:7.5(e))

Access shall include only the following:

1. A student who has the written permission of a parent and the parent of a student under the age of eighteen whether or not the child resides with the parent except per N.J.S.A. 9:2-4:
   a. The place of residence shall not be disclosed; and
   b. Access shall not be provided if denied by a court.

2. Students at least sixteen years of age who are terminating their education in the school district because they will graduate secondary school at the end of the term or no longer plan to continue their education;

3. An adult student and parent who has the written permission of an adult student, except that the parent shall have access without consent of the student as long as the student is financially dependent on the parent and enrolled in the public school system or if the student has been declared legally incompetent by a court of appropriate jurisdiction. The parent of the financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the consent of the adult student;

4. Certified school district personnel who are assigned educational responsibility for the student shall have access to the general
5. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below shall have access to the general student record, but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4:

a. An approved private school for the disabled;

b. A State facility;

c. Accredited nonpublic schools in which students with educational disabilities have been placed according to N.J.S.A. 18A:46-14; or

d. Clinics and agencies approved by the Department of Education.

6. To fulfill its legal responsibility, the Board of Education shall have access through the Superintendent or designee to information contained in a student's record. Information shall be discussed in executive session unless otherwise requested by the parent or adult student;

7. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to portions of the record to the extent necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to student files in which such staff are directed to enter or record information, and shall cease when the specific assigned task is completed;

8. Accrediting organizations in order to carry out their accrediting functions;
9. The Commissioner of Education and New Jersey Department of Education staff members who are assigned responsibility that necessitates the review of such records;

10. Officials of other district Boards of Education within the State of New Jersey or other educational agencies or institutions where the student is placed, registered, or seeks to enroll subject to the following conditions:

   a. Original mandated student records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving school district with written notification to the parent or adult student;

   b. Original mandated student records that a Board of Education has required shall be forwarded to the receiving school district only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the school districts;

   c. All records to be forwarded, including disciplinary records as specified in N.J.S.A. 18A:36-19(a), shall be sent to the Superintendent or designee of the school district to which the student has transferred within ten school days after the transfer has been verified by the requesting school district;

   d. The Superintendent or designee shall request in writing all student records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;

   e. Upon request, the Superintendent or designee of the school district of last attendance shall provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and

   f. Proper identification, such as a certified copy of the student's birth certificate or other proof of the child’s
identity pursuant to N.J.S.A. 18A:36-25.1, shall be requested at the time of enrollment in a new school district.

11. Officials of the United States Department of Education assigned responsibilities that necessitate review of such records;

12. Officers and employees of a State agency responsible for protective and investigative services for students referred to that agency, pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate, the Board of Education shall ask the State agency for its cooperation in sharing the findings of an investigation;

13. Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. § 1232g(b)(1)(L);

14. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student. Organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student;

15. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5, upon the presentation of a court order;

16. Bona fide researchers who explain to the Superintendent the nature of the research project and the relevance of the records sought. Researchers shall also satisfy the Superintendent or designee that the records will be used under strict conditions of anonymity and confidentiality. Such assurance shall be received in writing by the Superintendent prior to the release of information to the researcher;

17. Nothing in N.J.A.C. 6A:32-7.1 et seq. and Policy and Regulation 8330 shall be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such
knowledge is necessary to protect the immediate health or safety of 
the student or other persons; and

18. In complying with N.J.A.C. 6A:32-7.1 et seq., individuals shall 
adhere to requirements pursuant to N.J.S.A. 47:1A-1 et seq. - the 
Open Public Records Act (OPRA) and 20 U.S.C. § 1232g, 34 CFR 

H. Conditions for Access to Student Records (N.J.A.C. 6A:32-7.6)

All authorized organizations, agencies, and persons defined in N.J.A.C. 
6A:32-7.1 et seq. as listed below shall have access to the records of a 
student, subject to the following conditions:

1. No student record shall be altered or disposed of during the time 
   period between a request to review the record and the actual 
   review of the record.

2. Authorized organizations, agencies, and persons from outside the 
   school whose access requires the consent of parents or adult 
   students shall submit to the Superintendent or designee the request 
   in writing together with any required authorization.

3. The Superintendent or designee shall be present during the period 
   of inspection to provide interpretation of the records where 
   necessary and to prevent their alteration, damage, or loss. In every 
   instance of inspection of student records by persons other than 
   parents, student, or individuals who have assigned educational 
   responsibility for the individual student, an entry shall be made in 
   the student’s record of the name(s) of persons granted access, the 
   reason access was granted, the time and circumstances of 
   inspection, the records studied, and the purposes for which the data 
   will be used.

4. Prior to disclosure of student records to organizations, agencies, or 
   persons outside the school district pursuant to a court order, the 
   Superintendent or designee shall give the parent or adult student at 
   least three days' notice of the name of the requesting agency and 
   the specific records requested unless otherwise judicially 
   instructed. Such notification shall be provided in writing, if
practicable. Only records related to the specific purpose of the court order shall be disclosed.

a. Notice to the parent shall not be required when he or she is party to a court proceeding involving child abuse and neglect or dependency matters, consistent with 20 U.S.C. § 1232g(b)(2)(B).

5. A record may be withheld from a parent or from an adult student only when the school district obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court shall be withheld. When the district has or obtains evidence of such court order, the parent or adult student shall be notified in writing within five days of his or her request that access to the record has been denied; and that the person has the right to appeal this decision to the court issuing the order.

I. Rights of Appeal for Parents and Adult Students (N.J.A.C. 6A:32-7.7)

1. Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, impermissive disclosure, inclusion of improper information, or denial of access to organizations, agencies, and persons. The parent or adult student may seek to: expunge inaccurate, irrelevant, or otherwise improper information from the student record; insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records; and/or request an immediate stay of disclosure pending final determination of the challenge procedure as described in N.J.A.C. 6A:32-7.

2. To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the process shall be as follows:

a. A parent or adult student shall notify in writing the Superintendent of the specific issues relating to the student record.
b. Within ten school days of notification, the Superintendent or designee shall notify the parent or adult student of the school district's decision.

c. If the school district disagrees with the request, the Superintendent or designee shall meet with the parent or adult student to resolve the issues set forth in the appeal.

d. If the matter is not satisfactorily resolved, the parent or adult student has ten school days to appeal this decision to the Board of Education.

e. If an appeal is made to the Board of Education, a decision shall be rendered within twenty school days. The decision of the Board of Education may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, Controversies and Disputes.

f. At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome shall be made a part of the student's record with copies made available to the parent or adult student.

3. Appeals relating to student records of students with disabilities shall be processed in accordance with the requirements of I.2. above.

4. Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place in the student record a statement commenting upon the information in the student record or setting forth any reasons for disagreement with the decision made in the appeal.

a. Such statements shall be maintained as part of the student record as long as the contested portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.
J. Retention and Disposal of Student Records  (N.J.A.C. 6A:32-7.8)

1. A student’s record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district.

   a. The school district shall retain the student’s health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.

2. Student records of currently enrolled students, other than the records that must be maintained for one hundred years as described in N.J.A.C. 6A:32-7.8(e) and 5. below, may be disposed of after the information is no longer necessary to provide educational services to a student.

   a. Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful.

3. Upon graduation or permanent departure of a student from the school district:

   a. The parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request.

   b. Information in student records, other than that described in N.J.A.C. 6A:32-7.8(e) and 5. below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq.

   c. Such disposition shall be accomplished only after written parental or adult student notification and written parental or
adult student permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful; and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of State.

4. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.

5. The New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district shall keep for one hundred years a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

(Second Reading April 25, 2017)

(Revised Alert 210)

Issued: